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Mr D Harris  
Cairngorms National Park Authority  
Sent By E-mail

Our ref: LDP-001-2

24 August 2020

Dear Dan Harris

**CAIRNGORMS NATIONAL PARK PROPOSED LOCAL DEVELOPMENT PLAN  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)  
(SCOTLAND) REGULATIONS 2008**

**SUBMISSION OF THE REPORT OF THE EXAMINATION**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above proposed plan. Having satisfied ourselves that the National Park Authority's consultation and engagement exercises conformed with their participation statement our examination of the proposed plan commenced on 31 December 2019. We have completed the examination and now submit our report.

In our examination we considered all 12 issues arising from unresolved representations identified by yourselves to the Proposed Local Development Plan. In each case we have taken account of the original representations, as well as your summaries of the representations and your responses to such, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process included site inspections and requests for additional information. We did not require to hold any hearing or inquiry sessions.

Some of the site inspections associated with this examination were delayed due to the travel restrictions associated with the COVID 19 virus. As a result of this the reporters made some use of the photographic resource available on Google streetview during the course of their assessment. However before the examination was concluded each site referred to in the various Schedule 4s was visited in person and the particular circumstances at that location verified.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, you are now required to make the modifications to the plan as set out in our recommendations.

You should also make any consequential modifications to the text or maps which arise from these modifications. Separately, you will require to make any necessary



adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to yourselves. We will advise them that the report is now available to view at the DPEA website and will also be posted on your website.

The documents relating to the examination should be retained on your website for a period of six weeks following the adoption of the plan by yourselves.

**It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.**

Yours sincerely

*Elsbeth Cook*  
**REPORTER**

*Timothy Brian*  
**REPORTER**

**REPORT TO  
CAIRNGORMS NATIONAL PARK AUTHORITY  
ON THE  
CAIRNGORMS NATIONAL PARK  
PROPOSED LOCAL DEVELOPMENT PLAN**

Reporters: Elspeth Cook BSc (Hons) MRTPI  
Timothy P W Brian BA(Hons) DipURP MRTPI

Date of Report: 24 August 2020

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## **EXAMINATION OF CONFORMITY WITH PARTICIPATION STATEMENT**

### Background

In carrying out an examination of a local development plan under section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended), section 19(4) requires the appointed reporters firstly to examine:

“the extent to which the planning authority’s actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).”

Paragraph 110 of Planning Circular 6/2013: Development Planning envisages that, in carrying out the examination of conformity with the participation statement, the appointed person will only refer to published documents – e.g. the participation statement, the authority’s statement of conformity, and representations about the authority’s consultation and public involvement activities.

The Proposed Local Development Plan (LDP2) was published on 25 January 2019.

Cairngorms National Park Authority (CNPA) prepared a statement of conformity in August 2019, to meet the terms of section 18(4)(a)(i) of the Town and Country Planning (Scotland) Act 1997 (as amended). These provisions require the planning authority to submit a report on the extent to which it has consulted with and involved the wider public in preparing the Proposed LDP, and how this consultation conforms with the intentions outlined in the current participation statement.

### Participation statement

CNPA’s participation statement, which was contained in the Development Plan Scheme dated April 2018, set out the principles for community engagement, who would be consulted, and how they would be consulted, during each stage of the process.

The participation statement outlined the following objectives:

- “1. Ensure people and communities are aware of the process and the opportunities to comment at key stages in the production of LDP2. We will distribute consultation information to council offices, National Park Authority offices and will also disseminate information through Community Councils, our community liaison officers, and community planning networks.
2. Widely encourage involvement using a range of methods. We will publish information on the CNPA website and publicise the consultation processes through the media, newspaper adverts and articles.
3. Produce documents which are accessible, transparent and written in jargon-free language which avoids technical terms.
4. Publish an updated Development Plan Scheme every year, setting out how and when people can get involved in the preparation process.”

## CNPA's statement of conformity

### Objective 1

CNPA sought to ensure that the Proposed LDP consultation was promoted as widely as possible across the National Park, by the following methods:

- distributing copies of the Proposed LDP, Action Programme and response forms to all council offices, libraries and CNPA offices within and on the edge of the National Park;
- posting around 1,000 neighbour notification letters to inform all households within 20 metres of allocated sites;
- liaising with community development organisations (Voluntary Action Badenoch & Strathspey and the Marr Area Partnership) which circulated and publicised information through their networks, promoted the consultation events and provided support to communities on the consultation process;
- using the Planning Representatives Network, comprising community councils and community development trusts, to inform and engage local community groups in the LDP process;
- providing copies of the Proposed LDP to community councils and associations, and visiting them (to discuss the plan) if requested;
- using CNPA's website as the key method to promote the consultation, provide information and receive responses. The consultation webpages attracted 11,271 views.

### Objective 2

CNPA sought to widely encourage involvement using a range of methods, as follows:

- press releases in the Strathspey Herald, the Press & Journal and the Perthshire Courier;
- a highly successful social media campaign through Facebook, Twitter and Instagram (attracting 153,782 impressions across the 3 networks), using video content (including a fly-over of settlements, which employed Google Earth Studio for the first time in spatial planning), 3D models and Infogram;
- seven drop-in consultation events across the National Park, attended by over 200 individuals, where people could discuss the Proposed LDP with planners on a one-to-one basis, together with a range of meetings with community councils and other stakeholders such as the Cairngorms Business Partnership, and issuing three National Park e-bulletins.

### Objective 3

CNPA has put extensive effort into delivering a more accessible and clear Local Development Plan. The Proposed LDP is much more visual, using photographs to support policies, as well as using aerial imagery for the settlement maps and bright colours to highlight different allocations. This is intended to make the information clearer and more transparent.

In addition, site specific information has been provided for each allocation, using clear and visual maps along with key bullet point information setting out the requirements and constraints for each site. Settlement information has been greatly enhanced; it is available not only as a standard pdf document, but has also been made into a Story Map available on the CNPA website which enables users to navigate through the Plan content more easily.

### Objective 4

CNPA has published a Development Plan Scheme annually, to keep people up to date about the anticipated delivery of the Local Development Plan.

### CNPA's conclusion on conformity

Overall, CNPA believes that it has achieved all of the objectives set out in the participation statement, and that the consultation on the Proposed LDP was effective. Notably, CNPA significantly increased its reach and engaged with a far wider range of people than before. Whilst the total number of responses was lower than for the Main Issues Report, this is largely because no petition style responses were submitted to the Proposed LDP.

CNPA believes that the consultation successfully provided clearer information and clarification, which helped people to better understand the proposals and remit of the LDP and resulted in a greater number of people deciding that they did not need to respond. Therefore, while CNPA was able to engage with record numbers of people, the number of responses suggests that the majority of them do not object to the proposed LDP.

### Representations on consultation process

#### Cairngorms Business Partnership

Cairngorms Business Partnership (CBP) complained that their comments to the Main Issues Report (MIR) in respect of Housing and Affordability of Housing were not recorded in the 'Summary of Responses and Recommended Actions' which was taken to CNPA Board in June 2018. CBP suggested that, by not taking these views into account, the CNPA was in contravention of the Planning (Scotland) Act 2006.

CBP also commented that the process for responding to the consultation is time consuming and complex, and is a barrier to engagement.

CNPA confirms that the CBP's representation on the MIR, which did not raise any unique issues, was taken into account but that due to an administrative error their name was not recorded in relation to MIR Issues 4 and 5.

CNPA acknowledges that the LDP consultation process, which is stipulated in the Planning (Scotland) Act 2006, can be complex, but advises that the response survey was designed to obtain specific comments in line with the legislative requirements.

#### Blair Atholl

E and J MacGregor attended the drop-in day at Blair Atholl, but felt that it might have been a waste of time. They gained the impression that the event was simply a 'paper exercise' and that everything had already been decided. In these days of social media and modern communications it should have been far better publicised, as many local people knew nothing about the event.

A McAleney found it very difficult to get specific information about the Proposed LDP on the CNPA website.

CNPA responds that significant effort was made to publicise the consultation and the associated events, using social media and videos to raise awareness about the issues and

to tell communities about events. A record number of people across the National Park used a variety of social media channels and the CNPA website. Copies of the Proposed LDP and posters detailing the events were emailed and posted to community councils to publicise them in their area.

The CNPA confirms that notification letters were sent to all addresses within 20 metres of a proposed development, in accordance with the requirements of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

### Tomintoul

Mr and Mrs Foran complained that the meeting held in Tomintoul was not advertised in the village (i.e. the post office). F Wienand commented that only two residents of Tomintoul were notified of the proposed 'change of use' at site T1, when placing the notice on the board in the Glenlivet Estate car park would have made the many villagers using the site aware of the details of the proposal.

CNPA states that engagement events were advertised on social media and the CNPA website, and posters were sent to community councils and associations to display in their local area (though it is recognised that some did not do this). Letters were sent to forty addresses in Tomintoul, including six within 20 metres of site T1. However, there is no requirement to display site notices and CNPA did not commit to do so in its participation statement.

### Reporter's conclusions

Whilst I acknowledge the local concerns expressed above, I am satisfied that CNPA has met or exceeded the consultation objectives set out in its participation statement. As well as pursuing the traditional methods to publicise the Proposed LDP, using libraries, council offices, press releases, drop in sessions, local meetings, neighbour notification, and liaison with community councils and other representative organisations, CNPA has made extensive use of its dedicated website and a range of social media platforms to make people aware of the Plan, its proposals and how to engage with the LDP process.

The evidence indicates that this has been very successful in encouraging people to become involved in the production of the Plan, and I do not consider that the reduced number of representations to the Proposed LDP indicates any deficiency in the approach which CNPA has adopted, which I regard as extensive and innovative.

In summary, I conclude that the Cairngorms National Park Authority has conducted a wide-ranging consultation exercise on the Proposed Local Development Plan as envisaged by Scottish Ministers, and in doing so has fulfilled the terms of the participation statement.

We therefore proceed to examine the Proposed Local Development Plan.

Timothy Brian  
**Reporter**  
**31 December 2019**

<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> Timothy Brian
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>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</p>		
<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></p> <p>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></p> <p>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>		

Site allocation Requirements

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 (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:**Principle of development within the National Park

1. The Cairngorms National Park Proposed Local Development Plan (Proposed Plan) 2020 sets out the policies for land use planning within the National Park, and allocates land to deliver appropriate development within the Park. It is the Cairngorms National Park Partnership Plan 2017-2022, the management plan for the Park, that addresses the visitor experience, including public infrastructure priorities for visitor infrastructure (one of which is the Strathspey Railway extension).
2. Nonetheless, the Proposed Plan contains relevant policies (e.g. Policy 2.2 Tourist accommodation, Policy 2.3 Other tourism and leisure developments, and Policy 8.1 New development) which set the policy context for the provision of improved facilities and services for visitors. In particular, Paragraph 2.3 states that the Plan will make sure that

new or improved visitor infrastructure is supported where appropriate and integrated with other visitor sites, services and communities.

3. The Proposed Plan also has an overarching focus on conserving and enhancing the natural and cultural heritage of the area, which is one of the statutory aims of Scotland's National Parks. I am satisfied that this emphasis is reflected in the Introduction and Vision of the Proposed Plan and the subsequent policies.

4. However, in an isolated rural area with a dispersed population such as the Cairngorms National Park it would be more difficult "to promote sustainable economic and social development of the area's communities", another of the statutory aims of the National Park, if no development were to be permitted outwith town and village boundaries. The development strategy focuses most development on the 'main', 'intermediate' and 'rural' settlements of the Park, but acknowledges that some important activities need to be pursued outwith the defined settlements.

5. Those potential exceptions include Housing development in existing rural groups (Policy 1.2), Other housing in the countryside (Policy 1.3), Affordable housing exception sites (Policy 1.6), Conversions (Policy 1.8) and the development of new and diversified rural businesses (Paragraph 3.11).

6. I conclude that the Proposed Plan is right not to impose a prohibition on all types of development outwith town and village boundaries in the Cairngorms National Park, and that there is no reason to modify the Proposed Plan in response to representations on these matters.

### Transport

7. Scottish Planning Policy (SPP) 2014 advises that development plan spatial strategies "should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes." (Paragraph 273)

8. I accept that the Local Development Plan and the National Park Authority have limited influence in the provision of public transport, and car sharing and bike borrowing schemes. I also appreciate the particular challenges in requiring all developments to be served by sustainable modes of transport in a rural area with a dispersed population and limited public transport options.

9. However, the policy principles in SPP, including the need to reduce reliance on private cars and prioritise sustainable and active travel choices, have wide application. Indeed, the need for better co-ordination and promotion of public transport and active travel is acknowledged in the National Park Partnership Plan, which notes that public transport links can be limited due to the relatively small and sparse population.

10. The Proposed Plan does not attach a sustainable transport requirement to each policy in the Plan; instead it relies on the overarching Policy 3: Design and Placemaking, which imposes a series of requirements on all developments. Policy 3.3 Sustainable

Design part f) requires that all development proposals must be designed to promote sustainable transport methods and active travel, including making provision for the storage of bicycles and reducing the need to travel.

11. That is not the only reference to sustainable travel in the Plan. Paragraph 4.53, entitled 'Applying the policy', summarises the Six Qualities of Successful Places identified in SPP, one of which is "Easy to move around and beyond: Development that considers place and prioritises the needs of people before the movement of motor vehicles. This could include prioritising sustainable and active travel choices, and including paths and routes which are well connected with the wider environment beyond the site boundary."

12. Paragraph 4.59 (Transport and sustainable travel) develops this point, and Policy 11: Developer Obligations indicates that developers may be required to contribute to transport provision and infrastructure including active travel. Paragraph 4.159 affirms that some proposals may be required to make a contribution towards public transport provision, community transport services and infrastructure.

13. I note that the Strategic Environmental Assessment (SEA) of sites to be allocated for development in the Proposed Plan considered whether they are "within easy walking distance of public transport, other local facilities and housing, which reduces the need to travel by private motor vehicle." One of the settlement objectives for Aviemore, Grantown-on-Spey, Blair Atholl, Boat of Garten, Carr-Bridge and many other settlements is to support active travel proposals in and around these towns and villages in the National Park.

14. I conclude that the Proposed Plan adequately recognises the importance of sustainable transport and promotes active travel choices within its relevant policies and settlement objectives, and that there is no need to modify the Plan to further emphasise the point.

15. Separately, I can see no reason why the Proposed Plan requires to highlight the importance of the A95 trunk road.

#### Site allocation requirements

16. I note that the site allocations in the Proposed Plan were informed by a number of assessments, including a Habitat Regulations Appraisal, Strategic Environmental Assessment and Strategic Flood Risk Assessment.

17. However, I do not consider that it would be realistic or desirable to expect the National Park Authority to conduct all of the detailed technical surveys and appraisals for each site to be allocated for development in the Proposed Plan. Many of these assessments (e.g. flood risk, contaminated land or protected species) would require specialist expertise which may not be available in-house, and some would depend on the precise nature of the development proposed. The findings of such investigations are likely to change over time, and could be out of date by the time a planning application is lodged.

18. In any case, I consider that it would be unreasonable to impose on the National Park Authority the burden of conducting detailed pre-application surveys and assessments, which would cause delay and are appropriately the responsibility of the potential developer. Therefore, I am not convinced that a modification to the Plan is warranted here.

Process

19. Cairngorms Business Partnership's complaints about the National Park Authority's failure to record certain of their comments at the Main Issues Report stage, and about the wider consultation process, are considered elsewhere in the Participation Report as they do not relate to the content of the Proposed Plan which is discussed here.

General policy approach

20. The representation regarding the general policy approach of the Proposed Plan, made in the context of Policy 1, New Housing Development, supports non-site specific policies that allow for appropriately scaled housing development of all tenures to take place across the Park on appropriate and well-serviced sites. I agree with the National Park Authority that no modification is required, as the Proposed Plan secures that objective through its Vision and Spatial Strategy, and through the elements of Policy 1 which support housing outwith settlement boundaries in suitable circumstances (which are identified in the discussion above on the principle of development in the National Park).

Economic growth

21. Paragraph 1 of Scottish Planning Policy refers to the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth (defined as building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too).

22. I see no need to change the reference to 'sustainable economic growth' in the Plan's glossary, as this term is used extensively in current Government policy set out in SPP and Scotland's Third National Planning Framework 3 (NPF3). The National Park Authority would be able to amend the Proposed Plan in the future if the national policy context (and recognised terminology) altered in that regard.

23. The representation from the Cairngorms Campaign highlights the difficulty in assessing the economic benefits of a proposed development and balancing them against any potential negative impacts. This issue is particularly pertinent when considering the economic benefits of a proposal against the first statutory aim of the National Park to conserve and enhance the natural and cultural heritage of the area.

24. Paragraph 29 of SPP says that policies and decisions should be guided by a series of principles, which include giving due weight to net economic benefit (i.e. estimating the economic position where the development proceeds, and then comparing it with the estimated economic position if the proposal does not go ahead).

25. Paragraph 35 indicates that applicants should provide good quality supporting information that describes the economic, environmental and social implications of the proposal. The paragraph also advises that the information should be proportionate to the scale of the application, and that planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made.

26. In that light, unlike the National Park Authority I am satisfied that net economic benefit to the local economy may indeed be a material consideration in certain cases. I am concerned that the Proposed Plan does not appear to contain a framework for assessing

net economic impact so that it can be weighed against other important material considerations such as environmental impact.

27. Paragraph 4.43 (All economic development proposals) of the Proposed Plan indicates that permission will only be granted where it is demonstrated that a proposal supports and promotes sustainable economic development, and advises that the level of information required should be proportionate and relevant to the scale and nature of the proposal.

28. I conclude that the best solution would be to add a further sentence at the start of paragraph 4.43, to highlight the need for applicants to submit an assessment of the net economic benefit of their proposals in appropriate cases. I propose to recommend a modification to that effect.

**Reporter’s recommendations:**

1. Modify Page 37 of the Proposed Plan by adding the following text at the start of Paragraph 4.43:

“In appropriate cases the National Park Authority may require applicants to prepare and submit an assessment of the net economic impact of their proposal, to help inform the Authority’s conclusions on the overall impacts of the development.”

<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> Timothy Brian
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>089 Scottish Government            117 Paths for All            131 Tactran            159 John Muir Trust            165 Cairngorms Business Partnership (CBP)            179 R Turnbull            182 Wildland Ltd</p>		
<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></p> <p>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>		

Vision

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 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 (Wildand 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:**

#### Introduction

1. Cairngorms Business Partnership is correct in stating that the Cairngorms National Park Partnership Plan 2017-2022 envisaged an ‘Economic Strategy’ would be produced which “sets out the economic priorities for the National Park”.
2. Figure 2 of the Proposed Plan contains a similar pledge, to produce an ‘Economic Action Plan’ which once again “sets out the economic priorities for the National Park”. This appears to be a change in title, but not in substance. I note that the Consultation Draft of the Economic Action Plan 2019-2022, published in 2019, incorporates an economic strategy for the Park, and reviews the changes in strategic context since the previous Economic Strategy was published in 2015.
3. The Draft Economic Action Plan considers issues such as infrastructure improvements, investment, and the delivery of housing, and develops priority themes to deliver a “sustainable economy supporting thriving businesses and communities”. In doing so, it summarises the economic strategy in the Partnership Plan, which contains detailed agendas for action.
4. I do not accept the contention, therefore, that the National Park Authority has failed to develop an economic strategy as required by the Partnership Plan, or that the Proposed Plan has been published without the context of a current economic strategy. Nor do I agree with the Cairngorms Business Partnership that the approach adopted by the National Park Authority fails to deliver the collective aims of the Cairngorms National Park set out in the National Parks (Scotland) Act 2000, which include the aim to promote sustainable economic and social development of the area’s communities.

5. The policies of the Proposed Plan aim, in particular, to support the growth of the working age population, by increasing the amount of affordable housing provided in new developments, and ensuring a better mix of house types and sizes within the open market element of new developments (as explained in Paragraph 4.14). This is intended to support the local economy and help local businesses to recruit and retain staff.
6. The technical basis for the housing supply target and housing land requirement for the National Park, including population projections and the relevant housing need and demand assessments, is considered elsewhere under Issue 3: Policy 1: New Housing Development.
7. In relation to the representation by Wildland Ltd, I note that Paragraph 1.5 of the Proposed Plan identifies the four statutory aims of Scotland's National Parks, the first of which is to conserve and enhance the natural and cultural heritage of the area. Paragraph 1.6 confirms that if it appears to the National Park Authority that there is a conflict between the first aim and any of the others the Authority must give greater weight to the first aim.
8. Although Paragraph 1.5 correctly explains that the Proposed Plan is focused on built development, I am satisfied that the reference to the statutory aims of the National Park, and to the particular weight to be attached to the conservation of the natural heritage of the Park, sets the appropriate legal and policy context in the Introduction to the Plan.
9. The policies of the Proposed Plan, including Policy 4: Natural Heritage and Policy 5: Landscape, and the supporting text reflect the special importance of these assets in the Cairngorms National Park. For example, Policy 4.2 indicates that development that would adversely affect the Cairngorms National Park will only be permitted in very limited circumstances, including where it would not adversely affect the integrity of the area or the qualities for which it has been designated.
10. I do not consider that the Proposed Plan is unduly focussed on built development, as the purpose of local development plans is to identify sites to be developed or protected, and to devise policies to guide decisions on planning applications.
11. The description of the policy framework within Paragraphs 1.22-1.25 of the Proposed Plan, together with Figure 2 (The key plans and strategies for the Cairngorms National Park), explain where the Proposed Plan sits within the suite of related policy documents for the Park. The Cairngorms National Park Partnership Plan, which is approved by Scottish Ministers, is the overarching management plan for the Park and provides the strategic context for the Proposed Plan (which requires to be consistent with the Partnership Plan).
12. The other documents shown in Figure 2, which set out the outdoor access strategy, conservation priorities, economic priorities and priorities for promoting community-led local development, address different issues from those in the Proposed Plan. A virtually identical figure forms part of the Partnership Plan.
13. I conclude that this section of the Introduction is helpful and necessary, and does not require to be modified.

#### Vision

14. In relation to the representation by Wildland Ltd, Paragraph 2.1 of the Proposed Plan

states that the Plan shares the long-term vision set out in the Partnership Plan of: “An outstanding National Park, enjoyed and valued by everyone, where nature and people thrive together.” Paragraph 2.2 refers to the long-term outcomes set out in the Partnership Plan, relating to conservation, visitor experience and rural development.

15. Paragraph 2.3 explains how the Proposed Plan will help to deliver these long-term outcomes, by making sure (amongst other things) that:

- the special qualities of the Park are enhanced by new development where possible and protected from development that would significantly erode or harm them;
- new or improved visitor infrastructure is supported where appropriate and integrated with other visitor sites, services and communities;
- there is sufficient land for housing to meet identified need and demand, including for inward migration of workers; and
- the necessary land and support for business development and diversification is provided.

16. The vision and long-term outcomes are intended to permeate the Proposed Plan as a whole, so I do not see any need to reinforce the linkages between the vision and the long-term outcomes or priorities of the Plan, or to further underline the focus on natural heritage and landscape.

17. The concerns raised about the allocation of large sites in Aviemore, Kingussie and Newtonmore are considered under Issue 7: Badenoch and Strathspey Strategic Settlements.

18. Tactran suggest that the vision of the Proposed Plan should confirm that new developments will be served by public transport or, failing that, other alternatives to the private car. A similar point is discussed under Issue 1, where I note the Scottish Government’s policy advice that development plan spatial strategies should support development in locations that allow walkable access to local amenities and are accessible by cycling and public transport. The National Park Partnership Plan acknowledges the need for better co-ordination and promotion of public transport and active travel.

19. Although the vision does not include a statement to that effect, public transport and active travel are dealt with in the policy provisions of the Proposed Plan. Policy 3.3 requires all development proposals to be designed to promote sustainable transport methods and active travel. Paragraph 4.53 refers to prioritising sustainable and active travel choices, and Paragraph 4.159 advises that some proposals may be required to contribute to public transport provision.

20. I conclude that there is no need to include a statement in the vision section about the need for new developments to be served by public transport or other alternatives to the private car, as the question is addressed adequately elsewhere in the Proposed Plan.

21. One representation on the vision of the Proposed Plan suggests that the overall level of housebuilding in the National Park is too high, and encroaches onto land valued for its environmental qualities, contrary to the first aim of the National Park. It also objects to the allocation of sites for large luxury houses which are unsuitable for local needs, particularly first-time buyers.

22. The appropriate level of housebuilding in the National Park is discussed in Issue 3:

Policy 1 New Housing Development. However, as indicated above, the vision at Paragraph 2.3 states that the Proposed Plan will help to deliver the long-term outcomes set out in the Partnership Plan by making sure (amongst other things) that: the special qualities of the Park are enhanced by new development where possible and protected from development that would significantly erode or harm them; there is sufficient land for housing to meet identified need and demand, including for inward migration of workers; and more affordable housing is provided to support growth in the working age population and help address the housing pressures faced by young people.

23. I consider that these statements within the vision of the Proposed Plan adequately represent the importance of the first statutory aim of the National Park, together with the need for the Plan to provide sufficient sites for housing – particularly affordable housing. The merits of the particular sites which are allocated for housing, and of Policy 1 New Housing Development, are addressed elsewhere in this report.

24. I note that the potential environmental impact (and mitigation of impact, where appropriate) of the proposed allocations has been assessed through the Strategic Environmental Assessment, Habitats Regulations Appraisal and site assessments, which take account of the detailed comments of expert consultees such as Scottish Natural Heritage.

25. There are also specific policies in the Proposed Plan, including Policy 4: Natural Heritage and Policy 5: Landscape, which aim to minimise the adverse impact of development on the natural heritage and landscape of the National Park. Policy 1.4 requires residential development to provide a mix of dwelling types and sizes to help secure a balanced housing stock, with an emphasis on smaller dwellings. Policy 1.5 requires residential developments in the National Park to include provision for affordable housing.

26. I therefore conclude that the Proposed Plan satisfactorily addresses the concerns raised, and that there is no need to modify the vision in response to the representation.

27. However, I consider that there is value in the suggestion by John Muir Trust to place ‘protection’ before ‘enhancement’ in the first bullet point of Paragraph 2.3 of the Proposed Plan. This would follow more closely the terms of the first statutory aim of Scotland’s National Parks, which is quoted in paragraph 1.5 of the Proposed Plan, to “conserve and enhance the natural and cultural heritage of the area”. It would also mirror Scottish Planning Policy’s “Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.”

28. The National Park Authority confirms that the bullet points in Paragraph 2.3 of the Proposed Plan are not listed in order of importance, and that reordering them would not affect the implementation of the Plan. I therefore propose to recommend the above modification to the Proposed Plan.

29. However, I see no reason to amend the vision of the Proposed Plan to add a reference to ‘wildness’ as a particular quality of the National Park. Paragraph 2.3 is not the right place to spell out the special qualities of the Park. Wildness is singled out as a special quality within Policy 5.1: Special Landscape Qualities, which presumes against any development that does not conserve or enhance the special qualities of the Park. Wildness is also highlighted in the supporting text at Paragraphs 4.70, 4.74 and 4.79, and wild land areas in the National Park are indicated in Figure 9.

Spatial strategy

30. Paragraph 3.2 of the Proposed Plan outlines the implications for the Cairngorms National Park of the dualling of the A9 between Perth and Inverness, scheduled for completion in 2025. The paragraph states: “In addition to the improvements to the road for vehicles, the upgrades to a parallel route for non-motorised users, particularly cyclists and walkers, will make a significant contribution to functional transport on a safe off-road route between many of the communities in the National Park.”

31. The Scottish Government points out that there is currently no commitment to upgrade, divert or re-align this route along the whole of the A9 dualling. Current designs show an off road multi path from Kingussie as far as Aviemore, and there has been a disagreement between Transport Scotland on the one hand, and the National Park Authority, Highland Council and the local community councils on the other, on whether or not the path requires to be extended to Carr-Bridge. A feasibility study is under way to investigate the matter further.

32. I acknowledge that a final decision has yet to be taken on the extent of the off-road path to be created in conjunction with the A9 improvements, but I note that the statement in Paragraph 3.2 makes no reference to the length of the route or the communities to be served by it. I conclude there is no reason to modify the Proposed Plan in the light of the representation.

33. I note that Paths for All are generally supportive of the vision of the Proposed Plan, and agree that the proposed parallel route for non-motorised users would be beneficial. Paths for All’s concern that efforts be made to avoid severance of access routes along the upgraded A9 requires to be pursued through objections to the separate road orders, and is not a matter for the local development plan.

34. Tactran suggest that the spatial strategy should include a statement that travel by private car should not be prioritised above other more sustainable transport modes. I address a similar request in relation to the Vision of the Proposed Plan above, and my conclusion on this point is the same here.

35. Although the spatial strategy does not include a statement to that effect, public transport and active travel are dealt with in the policy provisions of the Proposed Plan. Policy 3.3 requires all development proposals to be designed to promote sustainable transport methods and active travel; Paragraph 4.53 refers to prioritising sustainable and active travel choices; and Paragraph 4.159 advises that some proposals may be required to contribute to public transport provision.

36. I conclude that there is no requirement to include a statement in the spatial strategy about the need for new developments to be served by public transport or other alternatives to the private car, as the question is addressed adequately elsewhere in the Proposed Plan.

37. Figure 3: Development strategy diagram of the Proposed Plan shows the location of strategic settlements, intermediate settlements, rural settlements and the ‘strategic planning consent/ new settlement’ at An Camus Mòr. As such, it illustrates the spatial dimension of the development strategy explained in the preceding paragraphs.

38. Figure 3 does not include a spatial strategy for the extensive rural and mountainous area of the National Park; nor does it need to, in my judgement. The ‘core mountain areas’ and wild land areas are protected by Policy 4: Natural Heritage and Policy 5: Landscape, and Figure 9 denotes the wild land areas within the Park. There is no intention to apply a more permissive approach to small scale developments around settlements, as Wildland Ltd appears to suggest.

39. I conclude that there is no need for the Proposed Plan to specify a spatial strategy for the rural and mountain areas of the National Park.

40. I acknowledge the concern raised about the potential impact on wildlife of the dualling of the A9, but that is a national infrastructure project promoted by Transport Scotland, rather than a local development plan proposal.

41. The impacts on wildlife and associated mitigation measures were considered in the Strategic Environmental Assessment of the A9 dualling project, and in consultations with the National Park Authority, Scottish Natural Heritage and other relevant interests.

42. The spatial strategy of the Proposed Plan does, however, consider the implications of this major project for the communities that it serves in the National Park, and the opportunities and development pressures which it will bring.

43. The rate of housebuilding in the National Park is addressed elsewhere in this report under Issue 3: Policy 1 Housing Development. The justification and role of the proposed development at An Camas Mòr is discussed under Issue 3 and Issue 7: Badenoch and Strathspey Strategic Settlements. However, I note that the intended new settlement at An Camas Mòr is an important element of the current local development plan for the area, adopted in 2015 following an examination of the plan by reporters.

44. The strategy of the Proposed Plan continues to focus most development on the main settlements of the National Park, and on the proposed new settlement at An Camas Mòr. There is no prospect of ribbon development along the A9, because of the nature of the road which is a national route with very few junctions.

45. I therefore see no reason to modify the spatial strategy of the Proposed Plan in response to the issues raised in these representations to the Plan.

#### **Reporter’s recommendations:**

1. Modify Paragraph 2.3 on Page 12 by re-wording the first bullet point to read:

“the special qualities of the Park are protected from development that would significantly erode or harm them, and are enhanced by new development where possible”.

<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> Elspeth Cook
<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	

194 207	Highlands and Islands Enterprise (HIE) 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 Mòr 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 suggested 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 text as follows:  
‘...As a consequence, more new housing should be accessible to people working within the National Park. **The delivery of An Camas Mor 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 is 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 it 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 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 it 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 Policies 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**

Area of National Park (HMA)	National Park Mid-year population estimate 2017	% of National Park population	% of Local Authority population
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:**

#### General Comments

1. The purpose of Policy 1 New Housing Development is to create a framework in which to assess new housing proposals and to set out the housing supply target and housing land requirement figures that underpin the housing allocations. There is nothing within the National Park (Scotland) Act, Scottish Planning Policy or the Partnership Plan that indicates that new housing development within the National Park should be resisted or limited to infill within existing settlements. Indeed the rural development chapter of the Partnership Plan identifies the provision of new housing as Priority 7 and Policy 3.2 a) and b) expects housing to be focussed on strategic settlements with some development at other smaller settlements.
2. Subject to the outcomes of my analysis of the housing land supply position as set out below I am satisfied that the allocation of housing sites results from a detailed consideration of the need and demand for housing in the National Park. It is not a speculative exercise merely reflecting the aspirations of house builders or land owners. Nevertheless housing allocations will to some extent be based on the availability of the land. To allocate sites otherwise would introduce a significant element of risk to the effectiveness of the housing supply.
3. The fourth aim of the National Park is to "Promote sustainable economic and social development of the area's communities." In that context The Cairngorms Campaign are correct that future housing development is expected to support economic development within the National Park. This goes beyond any direct benefits to the construction industry. The linkages between the increased proportion of affordable housing and the design and location of open market housing are intended to assist in attracting and retaining a local workforce that would assist existing and future businesses.
4. It is clear that the changes in Policy 1 from the equivalent policy in the 2015 Local Development Plan respond to the 2017 Partnership Plan where concerns are identified regarding the availability of housing for local people, the effects it is having on the local workforce and in turn the wider success of the businesses operating within the National Park.
5. Policy 1 as a whole and its supporting text also place a strong emphasis on the sustainability of future housing development in terms of its location, accessibility, the size of housing units, the facility to convert and repurpose existing buildings and the use of brownfield sites. This approach coupled with other sustainability requirements in Policy 3.3 sets out to deliver sustainable residential development. While there may be different perceptions of what sustainable development consists of I am satisfied that the definition in the plan and this policy approach is consistent with Scottish Planning Policy 2014.
6. Despite the concerns of Badenoch and Strathspey Conservation Group there are a number of policies that provide a positive context in which to assess proposals for the re-use of redundant buildings (Policies 1.7 Alterations to existing houses; 1.8 Conversions; 3.5 Converting existing building stock and; 3.6 Alterations to existing building stock). The particular development scenario suggested by Crown Estates Scotland whereby additional houses are added to a grouping or conversion proposal to assist with viability are dealt

with under Policy 1.2 below.

7. Policy 3.3 expects development to “be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials.” This approach would encourage “the use and enhancement of vernacular building styles” as suggested by North East Mountain Trust (NEMT). Introducing a particular design requirement for housing in Policy 1 that over-rides the criteria set out in Policy 3 might be overly restrictive and such a change is not required.

8. The legislative provisions require all four aims of the National Park to be pursued collectively but, in the event of any conflict, greater weight is to be given to the first aim (to conserve and enhance the natural and cultural heritage of the area). Representations have queried whether previous decisions on housing developments have been successful in balancing the fourth aim with the first aim. I acknowledge that these can be difficult judgements that require the decision maker to take into account the individual circumstances of the case. This examination however remains focussed on the terms of the Proposed Plan. The Strategic Environmental Assessment and Habitats Regulation Appraisal have assessed the potential environmental impacts of both policies and proposals and set out a range of mitigation measures. Any detailed concerns relating to these are dealt with in other parts of this examination report.

9. As explained in Paragraph 4.2 of the Proposed Plan it is intended that the plan and its policies be read as a whole. Modifications to Policy 1 that would include a presumption against housing development that would have any adverse impact on the natural or cultural heritage within the National Park are not required. The assessment of such impacts would be addressed in greater detail by the Policies 3, 4, 5 and 9.

10. The National Park Authority is not a housing provider and does not have any direct control over public funding sources for affordable housing. The Partnership Plan (Priority 7 Agenda for Action) is supportive of new delivery methodologies but recognises that it is the actions of the partners that are crucial in delivering affordable housing. New approaches to providing and maintaining affordable housing in perpetuity are suggested by The Cairngorms Campaign. Policy 1 however does not preclude any particular approach and thus new funding sources or delivery models that may be developed within the lifetime of the plan can be accommodated. Any such detailed matters are best dealt with in Supplementary Guidance and no modification to the plan is required.

11. I note that Grampian Health Board are supportive of the provision of housing that meets local needs but identifies that housing growth will put additional pressure on healthcare facilities. This matter is addressed by site specific requirements in Section 5 of the plan, Policy 11 Developer Obligations, and any associated Supplementary Guidance.

12. Although the Cairngorm Business Partnership (CBP) have advised that they did not have access to data on past planning decisions I am satisfied that such information has informed both the housing land audits prepared by the constituent local authorities and the Plan’s Monitoring Statement (CD010) along with the Monitoring Report (CD020).

13. The availability of pre-application advice on specific proposals is not a development plan policy matter. Planning applications are dealt with by both the constituent local authority and the National Park Authority. The availability of pre-application advice remains an operational matter for these organisations and is generally encouraged. No

modification is required.

## Policy 1 – Housing Supply Target and Housing Land Requirement

### Introduction

14. There are a number of representations that query both the Housing Land Supply Target and Housing Land Requirement figures set out in Tables 1 and 2 of the Proposed Plan. Rather than fully separate the two matters I combine my findings on the issues raised and order them in a way that broadly reflects the process of fixing the housing supply target and establishing the housing land requirement.

15. I conclude by comparing the housing land requirement to the effective housing land supply set out in Appendix 1 of the Proposed Plan. Although no representations have specifically raised any concerns regarding the contents of Appendix 1 I consider this analysis is necessary to inform or reflect the conclusions reached on individual housing land allocations later within this examination.

16. Highland and Islands Enterprise makes a general request that the whole process of setting the housing land supply target and housing land requirement be reviewed. Other representations focus on detailed elements of this. They can be grouped into 6 key issues as follows:

- The other types of housing need information that could inform the choice of housing land supply target;
- The reasons for lower target figures in the second plan period;
- The way in which past shortfalls in housing completions are treated in the housing supply target or the choice of a generosity margin.
- The sufficiency of the generosity margin applied in the calculation of the housing land requirement;
- The ability of the housing land requirement to accommodate future housing or population growth and how population projections have been applied in that assessment;
- The choice to accommodate all of the housing land requirement within the National Park area.

17. In addition to the Housing Evidence Report (CD012) and the National Park Authority's comments set out in this Schedule 4, I have taken into account the information received in response to several further information requests covering the choice of growth scenario, the updated past shortfall figures and the programming or capacity of the effective supply attributed to a number of sites listed in Appendix 1.

### Methodology

18. The evidence from the Housing Need and Demand Assessments (HNDAs) provides the basis for the identification of the housing land supply targets. The figure is adjusted to accommodate any past shortfall in supply before 2020. A generosity margin is then added as a percentage increase of the target figure thus creating a housing land requirement. The Proposed Plan then sets out the effective sites that are expected to deliver this housing land requirement in Appendix 1. I am satisfied that the National Park Authority's general approach to setting the housing supply target and the housing land requirement accords with that recommended in Scottish Planning Policy 2014 (SPP) and summarised

in diagram 1 of that document.

19. In doing this the National Park Authority faces a particularly complicated task primarily because it does not have a responsibility to prepare an HNDA and must rely on the outcomes from five separate HNDAs prepared for the constituent local authorities. SPP in paragraph 113 confirms that where an HNDA is declared to be 'robust and credible' (as is the case with the HNDAs informing this Proposed Plan) the approach used in the HNDA is not normally considered further at a development plan examination. In light of this guidance I do not find the concerns regarding the source of the population projections applied in the HNDAs to be matters for this examination.

20. The five relevant HNDAs have been published at different times; Highland (2015), Moray (2018), Aberdeenshire (2017), Perth and Kinross (2009) and the joint assessment for the TAYplan area (2013). Although the outcomes in each HNDA cover the first plan period of the Proposed Plan and beyond, adjustments are required so that they can be used to inform the proposed housing supply targets for the 2020-2024 and 2025-2029 plan periods.

21. The HNDAs break down the housing figures into housing market areas (HMA). The National Park is not one single HMA and the Park Authority draws data from those HMAs that overlap its boundary. Badenoch and Strathspey HMA, within the Highland Council area, is broadly aligned with the north west part of the National Park. A sub-market area has been created for the part of Moray Council that lies within the north east corner. While in Aberdeenshire and Perth and Kinross, the National Park Authority calculate the figures as a proportion of the HMAs covering Rural Aberdeenshire and Highland Perthshire respectively. The part lying within Angus Council has such a small rural population that it has been decided not to quantify any housing supply target or housing land requirement.

22. The National Park Authority explains within the Housing Evidence Report (CD012) the process it has followed and the assumptions it has made to create, as far as possible, comparable data for each part of the National Park for the requisite plan periods. None of the representations raise specific concerns regarding the methods used to reach this point in the process.

#### Other sources/approaches to assessing housing need

23. Rothiemurchus Estate suggest that local needs assessments should be used to inform the choice of housing supply target but no evidence has been presented that demonstrates an alternative housing supply target figure arising from such an approach. These types of assessments may prove useful in the assessment of individual proposals and the application of other elements of Policy 1 but I do not consider them to offer an alternative to the process for identifying the housing land requirement for the local development plan described in Scottish Planning Policy 2014.

24. Badenoch and Strathspey Conservation Group (BSCG) would prefer the housing figures to focus only on meeting local housing need with greater emphasis being placed on protecting the biodiversity, habitat and landscape of the National Park. Housing Need and Demand Assessments are based on local housing needs as anticipated within the Housing Market Areas and I consider the source data provides the correct starting point in this regard.

25. Furthermore the National Park Authority present separate housing supply targets for

each local authority area (excluding Angus). By doing so I am satisfied that they have sought to respond to the needs of smaller geographic areas rather than the National Park as a whole.

26. BSCG is also concerned that, to date, new housing in the National Park has not always met local needs and that the National Park Authority's monitoring systems cannot re-assure them otherwise. This Proposed Plan, specifically Policies 1.4, 1.5 and 1.6, is intended to put in place a new policy approach that increases the amount of new housing that is aimed at meeting local needs. I examine elements of these policies further on within my conclusions and I find them to respond positively to Rural Development Policy 3.1 of the 2017 Partnership Plan and the emphasis it places on providing housing to meet local needs. No modification is required.

### Choice of Growth Scenario

27. Each HNDA presents the housing need and demand figures for a range of growth scenarios and the National Park Authority makes a choice of scenario that it believes best reflects the interests of the National Park. It is possible to interpret the BSCG concerns as applying to this choice of growth scenario and how this has informed the housing supply target. I have therefore considered the factors influencing these decisions, bearing in mind that the choice of growth scenario may be a factor influencing the representations from Cairngorm Business Partnership, and Highlands Islands Enterprise who believe the housing supply target figures are set too low.

28. Priority 7 of the 2017 Partnership Plan indicates that new housing land will be required especially if the local need for housing is to be addressed. The housing need figures arising from the HNDA process confirm this. At the same time Policy 3.1a) of the Partnership Plan aims to maintain the population of the National Park and maintain or grow the proportion of the working age population. On this basis I am satisfied there is no justification for adopting a no growth scenario.

29. The growth scenarios presented in each HNDA are similar but not identical thus the National Park Authority has adopted a slightly different approach to calculating the housing supply target in each area. Their choices can be summarised as follows:

- For Aberdeenshire and Highland it is the 'principal' growth scenario.
- For Moray the 'Base – reduced MMR variant' (slightly higher than the principal) is applied and then additional units added to increase the viability of achieving the proportion of affordable housing.
- For Perth and Kinross area the choice of supply target has been predominantly influenced by the past completion rates.

30. These choices are explained in detail in the housing evidence report. In all cases the choices allow for growth taking into account the predicted reduction in the average household size (attributed to some extent by the aging population profile) and the need to provide more affordable or smaller houses (to address local need). I am satisfied that these choices take a cautious and balanced approach to future growth acknowledging the sensitivity of the National Park environment, the importance of addressing the identified housing need and the maintenance of the population.

Differences in Housing Supply Target in first and second plan periods

31. The housing supply targets are not identical in both plan periods however the level of housing need is not fixed and it varies over time. On examining the Housing Evidence Report it is clear that the lower housing supply targets for the second plan period are derived from the wider findings of the HNDA process.

32. It can also be attributed in part to the way past shortfalls in completions up to 2020 are added to the target for the first period of the Proposed Plan (2020-2024). The supply target figures in the second plan period (2025-2029) do not include any estimated element of shortfall from the first plan period (2020–2024). It is not possible to make any estimate of such shortfalls at this time and I do not propose to increase the target figures for the second plan period on this basis.

33. Highland and Island Enterprise (HIE) believe the ongoing improvements to the A9 transport corridor will result in new inward investment into the National Park and an associated demand for new housing. HIE is not able to quantify this effect but expect it to be reflected in a larger housing supply target (or housing land requirement) in the second plan period. Without some form of empirical evidence of anticipated growth (such as a revised inward migration rate) it is not possible to determine whether the growth rates already embedded in the housing supply target figure are deficient in this regard. At this time I find there is no basis for any increase to the second period housing supply target or indeed the generosity margin discussed in more detail below.

34. The Cairngorm Business Partnership (CBP) are concerned that the growth assumptions have not been informed by an economic development strategy. Priority 9 of the 2017 Partnership Plan sets out the purpose of the Economic Strategy and improved access to affordable housing is a key part of that. Affordable housing provision makes up approximately 50% of the housing supply target overall and other provisions within Policy 1 favour this form of housing. I am satisfied that the growth scenarios influencing the housing supply targets have accounted for population growth and acknowledge the importance of affordable housing to the wider economic success of the National Park.

35. The National Park Authority also highlight that the larger affordable housing target figure for the first plan period results from an historical lack of supply of new affordable housing units and the evidence of unmet demand. The amount or proportion of affordable housing within subsequent plan periods would naturally reduce as this unmet demand is addressed. I agree with the National Park Authority that subsequent reviews of the HNDA data or the adopted plan will test these assumptions and allow for adjustments to be made to future housing target figures. There is currently no evidence to justify increasing the amount of affordable housing in the second plan period as suggested by Boat of Garten and Vicinity Community Council. (BoGVCC)

Calculating the Past Shortfall

36. This leads me to examine the shortfall that has been brought forward into the first plan period and how this was calculated. Although CBP believe past shortfalls should inform the generosity margin (which I discuss in more detail below) I prefer the National Park Authority's approach where the shortfall is identified as a number and added to the supply target. This approach allows the generosity margin to apply to the whole housing supply target.

37. Rather than simply compare the past completion rate for 2015 to 2019 with the housing land supply target or housing land requirement for that period, the National Park Authority compare the actual and estimated completions for the period against the housing delivery figures anticipated in the Housing Need and Demand Assessments.

38. This approach acknowledges that the publication of a new HNDA marks the start of a new assessment of housing need. Any housing completions before that date will have been taken into account in assessing future housing need in the HNDA. The Moray, Highland and Aberdeenshire HNDAs were published after the adoption of the current development plan and it is appropriate to compare the level of housing delivery to date with those HNDA figures. In Perth and Kinross however the two available HNDAs precede the 2015 plan and for that area alone the shortfall is being considered in the context of the previous housing land requirement.

39. As with the assessment of housing supply targets the National Park Authority have had to accommodate the various publication dates for the HNDAs and housing land audits that overlap the National Park and adapt their methodology accordingly. Although two methods of calculating the shortfalls have been applied the reasons for that are clear. I am satisfied that the overall approach responds appropriately to the challenges faced by the National Park Authority in establishing compatible housing figures for the National Park area from the various housing assessments and audits available to them.

40. The housing evidence report however indicates that the shortfall figures up to 2019 should be reviewed closer to the adoption date of the plan. I am aware that the most recent Housing Land Audits were presented as examination documents but the shortfall figures were derived from earlier data. I therefore sought a review of the shortfall figures to take account of this. Following on from my further information request the National Park Authority have now updated the shortfall figures as of April 2020 applying the housing completion data available from the 2018 Housing Land Audits for the constituent local authority areas.

41. I therefore propose to recommend modifying the plan by inserting a revised Table 1 at Page 26, adjusting the housing supply target figures to reflect the most up to date position on the level of shortfall. A further information request relating to Issue 10 highlights a further adjustment in the distribution of the shortfall between open market and affordable units within the Perth and Kinross area. This is also accommodated in this modification.

#### Conclusion on Housing Supply Target

42. I am satisfied that the modified figures in Table 1 represent the housing supply targets that have been derived from an appropriate analysis of the relevant HNDAs and the most up to date shortfall data. Furthermore it anticipates housing and population growth within the National Park and does not merely reflect the underlying change in household size. It is appropriate to take these modified figures forward as the basis for the Housing Land Requirement calculation.

#### Generosity Margin

43. The housing land requirement has been calculated by adding a 10% generosity margin to the Housing Supply Target. Scottish Planning Policy 2014 (SPP) expects the proportionate increase to range between 10% and 20%. The purpose of the generosity margin is not set out in any detail in SPP but it certainly provides for an element of

additional growth or increased flexibility in securing the housing supply target should elements of the land supply prove difficult to deliver.

44. The 10% margin is the lowest rate suggested by SPP. Its use in this Proposed Plan reflects the sensitivity associated with the National Park designation and the need to balance housing growth against the wider environmental considerations.

45. Within Issue 8 Mar Estate make a specific request that the generosity margin be set at 20% (across the National Park or at least within Aberdeenshire/Braemar). Their reasons are to ensure additional and new sites are allocated in the area thus reducing the dependence on previous allocations and unimplemented planning permissions that have failed to deliver any housing completions.

46. As local factors have influenced the choice of housing supply target in each area of the National Park, I do not consider there is any justification to then apply different generosity margins to each geographic area. Any specific concerns about the effectiveness of the older established housing allocations are matters for subsequent Housing Land Audits. In light of this I do not recommend increasing the generosity margin to 20% in Aberdeenshire or in the National Park as a whole.

47. The CBP have assumed the generosity margin should reflect the underlying past rate of completions. Their representation estimates that only 46% of the housing land requirement from 2015-2019 has been completed and that if this trend continues the new housing land requirement would need to be increased proportionately to achieve the housing supply target. They describe this as a generosity factor of 217%. By my reckoning the uplift would be nearer to 117% nevertheless a generosity margin of this scale would not be supported by Scottish Planning Policy and I do not recommend such a change.

#### Conclusions on Housing Land Requirement

48. The generosity factor in the current Local Development Plan is set at 10%, the National Park Authority proposes to maintain the 10% rate in this Proposed Plan and for the above reasons I agree that it remains an appropriate level in these circumstances.

49. The only modification that is required stems from the changes to the housing land supply targets in Table 1. The 10% generosity factor should be applied to the new housing supply target figures and I propose to recommend adjusting Table 2 Housing Land Requirement accordingly.

#### Ability of the housing land requirement to accommodate future population growth

50. The National Park Authority have tested the effects of the proposed housing supply target and the resultant housing land requirement in terms of future population growth. This is set out in Appendix 2 of the Housing Evidence Report (Tables 56, 57 and 58). It is described as setting out the "LDP Potential Population Change" and offers an "estimate of the population the housing is likely to accommodate if occupancy rates reflect those already experienced in the National Park".

51. The tables do not address the adjusted figures set out in my proposed modifications to Tables 1 and 2 within of the Proposed Plan, or the changes I recommend to the effective supply set out in Appendix 1 nevertheless, as the numerical changes are

relatively small, they still provide a good indication of the likely population growth that could be accommodated.

52. In Table 56 the estimated future delivery rates from the Housing Land Audits and the programming proposed for new sites (not yet included in an audit) are used to estimate housing completions over the 10 year plan period. The completed housing is estimated to accommodate population growth in the National Park of 4% at the end of 2024 and 7% by 2029. Table 57 applies the average past completion rates to the same housing allocations arriving at a population growth rate of 1% and 3% for the same periods. Table 58 then provides a control measurement as it considers the effects if no new housing is delivered: a 3% and 5% reduction in population over the same periods.

53. The CBP representation on population projections is directed at the data produced in Appendix 2 and how the lack of age cohorts means the figures do not estimate the change in the working age population. I agree that Appendix 2 does not provide evidence of this but that is not its purpose. It is a testing mechanism and I am satisfied that the National Park Authority have adequately explained the methodology used and the limitations associated with it.

54. The CBP believe the “base statistic“ should be derived from Policy 3.1a) of the Partnership Plan. This policy seeks to maintain the population in the Park and maintain or grow the working age population (my emphasis). It does not set out a preferred proportionate increase in this age group. As such it does not offer a basis for any further statistical analysis of the effective housing land and its capacity to accommodate growth.

55. Notwithstanding the above I agree that the increase in the working age group within the National Park is an important goal as is the provision of housing to meet local needs. The provision of housing land alone does not deliver this change and it is the emphasis on affordable housing and smaller (less expensive) housing promoted by Policies 1.4, 1.5 and 1.6 that will ensure that the new housing is predominantly aimed at local people and those looking to live and work within the National Park. The increase in the working age population is expected to be one of the positive outcomes arising from these changes in housing policy. I do not agree with the CBP that the data demonstrates the “Authority are planning to fail” and as a result I find no change to the housing supply target or housing land requirement is necessary.

#### Meeting the housing land requirement within the National Park boundaries

56. While Scottish Planning Policy 2014 (paragraph 121) indicates that National Park Authorities should aim to meet the housing land requirement in full, they are not required to do so. It is acceptable, in principle, to divert part of the housing land requirement for a National Park to a neighbouring authority.

57. For such an approach to be considered at the local development plan stage I would have expected the possibility of that course of action to be provided for within the strategy of the 2017 Partnership Plan. There is no indication in that document that the National Park Authority have considered this to be necessary. To the contrary Priority 7 on Housing is clearly focussed on ensuring new housing, as far as practicable, is able to meet local needs. Consequently it is reasonable to expect the housing land requirement to be met within the National Park boundaries.

58. The Strategic Environmental Assessment, subject to appropriate mitigation, confirms

that the land identified to meet the housing land requirement can do so without significant detrimental effects on the environment. On this basis the National Park Authority believes that the planned housing allocations as a whole are capable of progressing without any significant conflict with the statutory aims of the National Park. I find this to be a reasonable conclusion to make. Notwithstanding any adjustments to the housing allocations arising from the examination of Issues 7, 8, 9, 10 and 11 I have not found any evidence to the contrary.

59. In this context I agree with the National Park Authority that there are no compelling reasons to justify not meeting the housing land requirement in full or alternatively relocating any element of it outwith the National Park boundaries. Even if there were, extensive liaison with neighbouring planning authorities and possibly an adjustment to their development plan housing land requirements would be required. This would go beyond the scope of this examination. Consequently I do not recommend diverting all, or any part of, the housing land requirement to another planning authority as suggested by Badenoch and Strathspey Conservation Group.

**Meeting the Housing Land Requirement**

60. The effective supply for both plan periods and beyond is set out in Appendix 1. As proposed this appendix shows that the housing allocations could accommodate 660 units in the first plan period and 494 in the second plan period. Based on the modified housing land requirement figures in Table 2, Appendix 1 (as originally proposed) demonstrates there would be a surplus of land in the National Park in each plan period (176 and 159 units respectively ) but a shortfall in Aberdeenshire, Moray and Perth and Kinross areas.

61. Through the course of this examination there have been a number of adjustments to the capacity and programming of individual sites reflecting changes in circumstances arising since the Proposed Plan was first published. Some of these are presented by landowners or the National Park Authority and others arise from our detailed consideration of individual sites. The changes are summarised as follows.

Settlement	Site Ref/Name	Total capacity	Effective Supply Pre-2020	Effective Supply 2020-2024	Effective Supply 2025-2029	Effective Supply Post 2030
<b>Aberdeenshire</b>						
Ballater	H1: Monaltrie Pk	250	0	(25) 90	(25) 90	(200) 70
Braemar	H1: Chapel Brae	6	(3) 0	(3) 6	0	0
	H5; N Braemar	(30) 45	0	(0) 15	20	10
Dinnet	H1: Land to East	15	(5) 0	(10) 15	0	0
<b>Highland</b>						
Aviemore	ACM: An Camas Mòr	1500	0	90 (150)	150 (150)	1260 (1200)
	LTH 1 & 2 North Aviemore	(400) 0	0	0	0	0
Carr-Bridge	H1: Carr Road	47	0	47	0	0
Cromdale	H2: Auchroisk Pk	22	6	10	4	(0) 2
<b>Perth &amp; Kinross</b>						
Blair Atholl	H3: Land North of Little Orchard	8	0	8	0	0

Note: a) The original capacity or programming figure is in brackets  
 b) The effective supply for H2 Auchroisk Park does not add up to the total capacity figure. For arithmetical purposes I have added the missing 2 units to the post 2030 supply.

62. Following these changes a small shortfall in supply over both plan periods remains in the Moray part of the National Park (23 and 15 units respectively) and a small shortfall (16 units) in the second plan period would be experienced within the Perth and Kinross part of the National Park.

63. Although support for windfall sites is evident in Policy 1 the National Park Authority only relies on such sites to assist in delivering the housing land requirement in Moray and in the second plan period in Perth and Kinross. The shortfall figures over the whole ten years are small: 38 in Moray and 10 in Perth and Kinross. I deal with the effects of this under Issue 10 but overall I do not find there is any need to allocate any further land in these areas.

64. In all other areas and in the National Park overall there would be a surplus in both the first and second plan periods. The change is most pronounced in Aberdeenshire where the revised programming of Ballater H1 Monaltrie Park, Braemar H1 Chapel Brae, Braemar H5 North Braemar and Dinnet H1 Land to East has had a marked effect on the overall supply. So much so that it calls into question whether all the proposed sites in the Aberdeenshire area are required at this time.

65. In light of the above I have given some consideration to the need to retain all the proposed Braemar sites in Issue 8. The largest allocation is at H5 Braemar North. With this site included there would be a surplus over both plan periods of 146 units. In contrast the total housing land requirement for Aberdeenshire for the ten year period is 137 units. If this site were to be deleted there would still be a comfortable surplus of 54 units in the first plan period and 57 units in the second plan period. A surplus in the National Park as a whole is retained.

66. With or without Braemar North there is a comfortable surplus of effective sites in the National Park overall and the Proposed Plan is able to move forward to adoption with an adequate 5 and 10 year supply of effective housing land. Consequently I propose to recommend updating Appendix 1 to take into account the separate conclusions on individual sites set out in Issues 7, 8, 9, 10 and 11.

#### Policy 1.1: Housing Delivery in Settlements

67. This policy supports the principle of new housing on an allocated site or a site within an identified settlement boundary. This support is however subject to two caveats. Development should meet the requirements of Section 5 of the Proposed Plan (Community Information) and 'reinforce and enhance the character of the settlement'.

68. The Community Information section, sets out the requirements for each allocated site and provides settlement maps where, with some exceptions, a settlement boundary is delineated. I am satisfied this information is sufficient to determine when to apply Policy 1.1. Badenoch and Strathspey Conservation Group (BSCG) interprets this policy as offering some support for housing outwith a settlement however I find the policy is framed in such a way that it would not apply beyond the defined locations.

69. S Dickie would prefer Policy 1.1 to clearly express restrictions on housing development outwith settlements. While the strategy of the Proposed Plan aims to focus new development within settlements, it also expects some housing development to take place in the countryside. Housing proposed on sites that do not fall within the locations described in Policy 1.1 would be addressed by other policies within Policy 1 as a whole. I

do not therefore consider it is necessary to extend the remit of the policy as suggested.

70. The second caveat requires the decision maker to assess the acceptability of the effect of the development on the character of the settlement. BSCG believe this is too 'broad' a test and may be open to different interpretations. I consider it is likely that compliance with this caveat would be informed by the outcome of an assessment under Policy 3 Design and Placemaking and Policy 5 Landscape. I find these other policies put in place a robust process for the assessment of the impacts of new developments and therefore Policy 1.1 need not provide any further guidance on the form and design of the development.

71. I do not find there to be any significant benefits arising from R Turnbull's suggested modifications a) to replace the word 'will' with 'may' and b) to make reference to other relevant policies. The plan is expected to be read as a whole and the assessment of policy compliance would apply to all the relevant policies. Balancing competing policy requirements will, from time to time, result in the refusal of planning permission for reasons beyond the caveats set out in Policy 1.1. I do not consider it is necessary to adjust the policy to provide for this outcome. Nor to make explicit reference to any other relevant policies.

#### Policy 1.2 Housing Delivery in Rural Groups

72. The purpose of this policy is to allow small scale incremental housing development within an existing rural grouping consisting of at least three buildings. The wording incorporates limited but useful guidance on the minimum size of an eligible grouping, the maximum number of additional buildings that can be supported and the physical form of acceptable new development. Not every grouping is expected to be extended, only those where the existing form of the grouping has the capacity to absorb additional buildings.

73. Highland Council would prefer the eligible rural grouping to have at least three existing houses however the representation has not given any particular reason why three houses would be better than three buildings. As the policy support, as explained above, is guided primarily by the physical impacts of the development, I do not consider it is necessary to limit the support to groupings of at least three houses. This policy, according to the National Park Authority, currently operates successfully and I do not find there to be any reason to reduce the potential locations where the policy might apply.

74. The National Park Authority intend to rely on the proposed Supplementary Guidance: Housing (SG) to explain the detailed operation of this policy and have confirmed that the terms of the guidance would require one of the three buildings in the grouping to be a house. This is an important restriction and I consider it should be an integral part of the policy rather than deferred to the guidance document. I therefore propose to recommend modifying Policy 1.2 accordingly.

75. The reliance on the SG in this matter brought my attention to the description of the purpose of the proposed guidance (the red text box on Page 24 of the Proposed Plan). It is currently limited to two elements of Policy 1: affordable housing and the long term housing designations. The National Park Authority have subsequently confirmed the range of Policy 1 matters that would be addressed by the statutory supplementary guidance. I therefore propose to recommend modifying the text within the red box to reflect, in part, their revised wording. Further adjustment is also required to this text box to reflect my findings on Policy 1.11.

76. The policy restricts the number of new buildings that can be developed within the plan period. This limitation is proportionate to the size of the grouping at the point of adoption of the local development plan. The National Park Authority explains that aligning the cap on future growth with the lifetime of the plan acknowledges that new policies may apply in subsequent plans. Although R Turnbull envisages unrestricted growth arising from this approach I find this outcome to be unlikely.

77. As described above the support offered by this policy relies primarily on the physical capacity of the grouping to accommodate additional development. It does not intend every grouping to be extended by a third regardless of the impacts of the development. Notwithstanding the fact that I cannot within this plan dictate the terms of a future development plan, I do not consider it is necessary to apply a maximum limit on the number of additional houses/buildings that would extend beyond the lifetime of the plan.

78. In contrast to this Wildland Ltd, Crown Estate Scotland and Atholl Estates want to remove any limit on the scale of growth in a rural grouping. As set out above this policy expects the nature of the locality or the physical capacity of the grouping to limit the scale of development. The development strategy of the plan only seeks to enable “small scale expansion of existing groups” and in that context some form of limit is therefore necessary. Had the limit been a fixed number of dwellings (applicable uniformly to every grouping) I would have shared some of the concerns expressed in the representations. The proportionate limit of one third however controls the number of additional buildings (as opposed to dwellings) and reflects the size of the rural grouping. I do not consider this to be unduly onerous. I agree with the National Park Authority that this approach would not prevent well designed and innovative solutions coming forward.

79. Any development that is aimed at “meeting local needs” is directed, by the strategy of the Proposed Plan, to its strategic, intermediate and rural settlements. Thus I do not consider this policy is expected to address the circumstances described in the representation from Crown Estates Scotland.

80. Crown Estates Scotland are also seeking to modify the policy so that it applies to new build developments that form part of, and assist in the overall viability of, a scheme to renovate or redevelop redundant buildings. Such projects would potentially trigger a number of elements within Policy 1. Should such circumstances arise I consider the balancing of various policy requirements is best left to individual development management decisions. I do not find it is necessary to adjust Policy 1.2 to specifically address this scenario.

81. Tactran would wish to see the issue of sustainable transport being used to inform the application of Policies 1.2 and 1.3. Similar issues relating to sustainable transport provision have been considered under Issues 1 and 2. My conclusions remain similar in this case. Policy 3.3 requires all development proposals to be designed to promote sustainable transport methods and active travel; Paragraph 4.53 refers to prioritising sustainable and active travel choices; and Paragraph 4.159 advises that some proposals may be required to contribute to public transport provision.

82. I therefore conclude that there is no requirement to add a statement to either Policy 1.2 or 1.3, or the supporting text, to specifically address this matter as it is addressed adequately elsewhere in the Proposed Plan.

Policy 1.3 Other Housing in the Countryside

83. Policy 1.3 provides support for two types of housing development. Part a) refers to houses justified by the needs of a business that require a countryside location and part b) supports housing development where the land can be described as a rural brownfield site. Both these development types could be potentially located anywhere within the National Park and need not be associated with existing settlements or groupings. The sustainable transport issue associated with rural housing raised by Tactran has been dealt with in relation to Policy 1.2 above.

84. The policy expects any such new housing to “reinforce the existing pattern of development” however it may well be proposed in locations where no existing pattern of built development is evident at the site. J and M Forbes Leith Partnership, and Scottish Land and Estate, consider this may justify the removal of this requirement. While it is not appropriate to apply the same terms used in Policies 1.1 and 1.2 regarding the character of settlements or building groupings, as suggested by North East Mountain Trust, some form of direction is required.

85. The current wording, in my opinion, seeks to ensure that the location or orientation of built development reflects similar housing in the National Park, with the design and character of the building itself addressed by the terms of Policy 3 Design and Placemaking. On that basis I find sufficient and relevant direction is given and no modification is required.

86. The range of businesses that require a countryside location are diverse and I do not find it is necessary to make any separate reference under part a) to include agricultural or woodland crofting as suggested by the Woodland Croft Partnership. It will be a matter for each particular business to establish the need for and the appropriate location for the new house(s) in the context of the operational needs of that business.

87. Wildland Ltd are concerned that the policy may not be flexible enough to encompass any new housing required due to the changes in land management practices that necessitate a move away from historical rural estate housing. However, I find the wording of the policy is broad enough to encompass proposals arising in these circumstances as the business justification would be expected to explain the relationship between the location of the house(s) and the operational need.

88. Part a) requires the business to be ‘active’. This is seen as an impediment to new rural business proposals that require housing from the outset (Woodland Croft Partnership and Crown Estate). Whilst this may appear an onerous requirement for the operators of potential new businesses, the provision of a strong justification for new operational housing is key to the success of this part of the policy. Removal of the underlying requirement for an ‘active business’ would weaken the policy especially at the current time where the Scottish Government advises planning authorities to avoid the use of planning conditions to control the occupancy of a house. No modification is therefore required.

89. Part b) relies on the definition of a rural brownfield site. This is described in the glossary of the plan as follows:

“Sites which have previously been used. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.”

Badenoch and Strathspey Conservation Group and Crown Estate Scotland seek to change or reinforce the definition to ensure that previously developed sites that now have a beneficial role in nature conservation terms are specifically excluded.

90. I am satisfied that a previously developed site that has successfully re-naturalised since it was last used would be unlikely to be described as “significantly degraded” and would not meet the terms of the definition of a rural brownfield site. If the site or any redundant buildings within it now offer a valuable habitat or are occupied by protected species then any new development would, as suggested by the National Park Authority, be assessed in the context of Policy 4 Natural Heritage. In these circumstances I do not see any need to amend the definition.

91. I am not persuaded that the additional policy criterion suggested by J& M Forbes Leith Partnership based on the quality of the “architectural design and resource efficiency” is required. Such an approach would encourage isolated and sporadic development within the National Park that would not otherwise require a countryside location. I agree with the National Park Authority that support for a new house in the countryside should be based primarily on the acceptability of its location and/or purpose. Design quality and resource efficiency expectations would apply to all development and remain within the auspices of Policy 3 Design and Placemaking.

#### Policy 1.4 Designing for Affordability

92. Policy 1.4 reflects Priority 7 of the Partnership Plan which identifies the importance of building more affordable homes within the National Park and the expectation that “the range and size of new houses are better targeted at meeting local needs”. The Agenda for action in the Partnership Plan explains under point d) that this should be achieved by “seeking a greater mix of house types and sizes, with an emphasis towards smaller homes in new developments”.

93. Policy 1.4 and, in due course, the Supplementary Guidance on Housing set out what the Authority expect from new housing developments to achieve this important aspiration of the Partnership Plan. The form and scale of residential developments that receive planning permission will inevitably have to change to reflect this.

94. The representation does not challenge the underlying purpose of the policy but identifies that such an approach could affect the financial viability of new developments. It is however reasonable, as pointed out by the Authority, to expect that the current assumptions made regarding land and development values to evolve to reflect the new policy position.

95. Nevertheless the wording of the policy does not require every house to be small, but to increase the emphasis on smaller houses within the mix. I would expect the housing mix to vary according to the site’s location and size. Should matters relating to viability arise I consider these would be a material consideration for the planning authority to address on a case by case basis. Notwithstanding that such matters may also form part of a Viability Assessment relating to affordable housing contributions submitted in the context of Policy 1.5.

96. I do not therefore recommend any modification to Policy 1.4 other than that arising in connection with the separate issue relating to specialist housing provision set out in paragraphs 184 to 188 below.

Policy 1.5 Affordable Housing and ViabilityPolicy approach

97. Policy 1.5 sets out when, and in what quantity, affordable housing (as defined in the glossary of the plan) should be provided within a new housing development. The provisions can be summarised as follows:

- a) on site provision of affordable housing is expected where the development consists of 4 dwellings or more;
- b) developments of 3 open market dwellings or less would be expected to pay a commuted sum;
- c) a higher rate of contribution (45%) is expected in the settlements of Aviemore, Ballater, Blair Atholl, and Braemar
- d) a lower rate of contribution (25%) applies in other settlements; and
- e) it is possible to reduce the amount of affordable housing if a Viability Assessment proves the development would not otherwise be commercially viable.

98. Scottish Planning Policy at paragraphs 126 -131 expects the development plan to address the scale and distribution of affordable housing and to indicate when developer contributions may be required. PAN 2/2010 Affordable Housing and Housing Land Audits further advises that the plan should be clear on the “scale and distribution” of affordable housing and should include “an outline of what is expected from prospective developers”. I find the provisions of Policy 1.5 satisfy these broad requirements.

99. Wildland Ltd would prefer this policy to promote the direct provision of social rented housing by the local authority in preference to the percentage contribution rate approach. The Cairngorms Campaign and J Cooper would also prefer social housing to be given a greater priority. New social rented housing provided by the housing authority or a registered social landlord is one type of affordable housing but advocating only this one delivery method would not reflect current Scottish Planning Policy. I do not therefore consider it is appropriate to replace Policy 1.5 with such an approach.

100. Representations raise a number of detailed concerns regarding the policy and these focus on a number of aspects:

- Definition of affordable housing,
- Affordability in perpetuity,
- Contribution rates,
- Development viability and the effectiveness of the Viability Assessment process,
- Implementation of the policy.

Definition of Affordable Housing

101. Cairngorms Business Partnership believe the use of the word ‘affordable’ is misleading as it has a broader meaning in other business practises. The definition of affordable housing set out in the glossary of the Proposed Plan describes the range of housing types that qualify as affordable. The definition reflects the terms of paragraph 126 of SPP with the addition of a reference to “private rented accommodation owned and/or managed by a private sector landlord to approved management and maintenance standards with equivalent registered social landlord rents”. This addition does not conflict

with the terms of SPP and the definition remains a useful part of the Proposed Plan preventing the users of the plan from applying their own interpretation of 'affordable housing'.

102. The definition does not attempt to describe the affordable housing delivery methods in any detail. Scottish Land and Estates suggest two other affordable housing delivery methods (Rural Burdens and making houses available at an affordable price for an initial 3 months). Regardless of the merit of these suggestions it is not necessary to add these to the definition. Paragraph 131 of SPP confirms that Supplementary Guidance should address detailed matters relating to the delivery of affordable housing and the draft Supplementary Guidance on Housing is expected to address these matters.

103. J Golebiowski wants the Proposed Plan to deliver more housing within a fixed price range (£180,000 to £190,000). Regardless of the lack of justification for this figure, it is not possible for the Proposed Plan to dictate the price of future affordable or open market housing. The primary purpose of Policy 1.5 is to require the delivery of a certain type of housing that is only accessible to people on lower incomes. It is not designed to simply deliver cheaper housing for sale on the open market. The latter approach however is tackled by Policy 1.4 (discussed above) which seeks to increase the amount of smaller (and therefore less expensive) houses within the open market element of housing developments. This could go some way to addressing J Golebiowski's concerns.

#### Affordability in Perpetuity

104. The Partnership Plan (Rural Development, Agenda for Action part b) seeks to maximise the amount of affordable housing that is available in perpetuity. The Badenoch and Strathspey Conservation Group (BSCG) and the Cairngorm Campaign would prefer all the new affordable housing to remain so. It is not disputed that the long term control over the affordability and availability of a house to people on modest incomes is a desirable outcome.

105. Whilst the Proposed Plan seeks to deliver the aspirations of the Partnership Plan in this regard it may prove counter-productive to limit the affordable housing delivery methods to only those that secure the affordability of the house in perpetuity. Certainly such an approach is not advocated by SPP. Sustaining affordability in perpetuity is not fully within the gift of the planning system and will be dependent on the legislative provisions governing the tenure of a property, for example, those that govern the 'right to buy' social housing.

106. Public funding of affordable housing developments is limited and it is important that the range of delivery methods include options that don't rely on public subsidy. Some of those methods may be unable to control the affordability of the house for subsequent purchasers/occupiers. Nevertheless the availability of all these options may prove vital to the successful delivery of the affordable housing targets. I do not therefore propose to vary the proposed affordable housing definition or the policy itself to introduce the phrase "in perpetuity". This change could impact on the success of Policy 1.5 and restrict the scope of the proposed Supplementary Guidance on Housing.

#### Contribution Rates

107. The context for the percentage affordable housing rates set out in Policy 1.5 is provided by the 2017 Partnership Plan, Rural Development, Agenda for Action parts c) and

f). The local development plan is expected to identify sites where the affordable housing contribution will be more than 25% “because of the acute affordability pressures and the shortage of supply” and; target public sector funding for sites with the greatest potential to deliver affordable housing.

108. Scottish Planning Policy states that the contribution rate at any market site should “generally be no more than 25% of the total number of houses”. I find the use of the word ‘generally’ indicates that the contribution rate is not a fixed requirement and that the authority is able to consider an alternative rate: especially as any percentage rate, according to PAN 2/2010, should be informed by the HNDA outcomes. I do not therefore find the government advice on this matter would preclude the application of alternative affordable housing contribution rates above 25% as long as the HNDA evidence is indicative of this level of need/demand.

109. The National Park Authority have in any event opted to retain the 25% as the default contribution rate in accordance with SPP. Rather than applying a higher rate across the whole National Park the policy reflects the Partnership Plan’s direction that higher rates be considered at specific sites. Four settlements are identified where a higher rate of 45% is required.

110. In considering this higher rate I find it is relevant to refer to the housing supply target figures derived from the HNDA outcomes. Based on my proposed modification to these figures affordable housing constitutes 51% of the housing supply target for the National Park in the period 2020 to 2024. In individual local authority areas the rates are all higher than 25%: Aberdeenshire 46%, Highland 53%, Moray 36% and Perth and Kinross 44%.

111. The four settlements selected are located in local authority areas where affordable housing should account for at least 44% of the housing supply. So although Highlands and Islands Enterprise (HIE) suggest an alternative rate of 33% for these settlements this is not reflected in the housing supply figures. I also see no reason to introduce a less specific requirement of “up to 45%” either. Should there be viability concerns relating to the 45% rate these can be addressed through the Viability Assessment route which I deal with in more detail below.

112. The HNDA outcomes are clear however that there is a strong requirement in the National Park for open market housing and there is no justification to increase the rate to require all new housing development to be affordable.

113. In turning to the choice of settlements I note that Aviemore and Ballater, are strategic settlements where the Proposed Plan wants to focus most development. Braemar and Blair Atholl are intermediate settlements where growth is still encouraged albeit at a more modest scale. Overall these settlements share a number of characteristics that indicate a need to increase the amount of new affordable housing. In each case the housing supply target for the area identifies that level of need; there is a high level of second or holiday homes and; there is an unmet demand for social housing. Past trends also indicate that house prices generally exceed what is affordable to households on the average income identified for that area.

114. I am satisfied that these settlements offer locations which are accessible by public transport, have a range of local services commensurate with the size of the settlement and otherwise offer a good location for households on modest incomes. As such, affordable housing development here could go some way to encouraging growth within the working

age population in the area.

115. Scottish Land and Estates remain unconvinced that there is sufficient evidence of an acute demand for affordable housing in these settlements. Having reviewed the Housing Evidence Report and especially the data derived from the local authority housing applications or waiting lists I have no doubt that there is significant unmet demand.

116. Atholl Estates seek to remove any contribution requirement in Blair Atholl or reduce the contribution rate to 25% to align with the rate applied by Perth and Kinross Council in Highland Perthshire. Although the National Park is not within the TAYplan Strategic Development Plan area, the TAYplan Joint HNDA indicates a 45% requirement for affordable housing in Highland Perthshire. This reinforces the decision to select Blair Atholl for the higher contribution rate. Perth and Kinross Council's reasons for choosing to apply a lower rate are not the subject of this examination and in any event the National Park Authority is not obliged to follow the approach taken by the neighbouring authority.

117. Atholl Estates believe that, rather than applying a percentage rate, broadening housing tenures through development briefs would deliver affordable housing in Blair Atholl and elsewhere. Development briefs are a useful tool, and Policy 3 identifies when they may be required but without an underlying policy requirement for affordable housing this approach would not ensure that sufficient affordable housing is delivered.

118. Reidhaven Estates suggest retaining the existing 25% rate in Aviemore and allocating more housing land thus increasing the actual number of affordable houses provided. They suggest this justifies making the Long term Housing sites (LTH) set out in Section 5 of the Proposed Plan available for development in the first plan period. The need for the LTH sites is addressed in more detail below but fundamentally this proposed change would not be needed to deliver the housing land requirement.

### Viability

119. The delivery of affordable housing as a proportion of an overall housing site capacity and/or the payment of a commuted sum in lieu of onsite provision has been the established practise advocated by government policy for some time. The concerns over the viability of housing developments required to address affordable housing requirements are not new.

120. Policy 1.5 does not seek to change this general approach but introduces the selective use of the higher 45% rate. I do not doubt that this will be a greater challenge for developers in these areas, as described by Scottish Land and Estates, Cairngorms Business Partnership and Aviemore and Vicinity Community Council, but the representations have not provided any particular financial analysis or other compelling evidence to demonstrate that it would not be possible. There is also no financial evidence from Atholl Estates to justify setting aside the requirement for a commuted sum for developments of 3 or less units.

121. The National Park Authority have drawn my attention to a number of sites approved in the last 4 years that deliver more than 40% affordable housing as evidence that the higher contribution rate can be achieved. This provides some confidence that the 45% rate, applied selectively, would not be unduly onerous. If difficulties in delivery arise then the policy is designed to respond to any viability issues.

122. Rothiemurchus Estate believe there is a risk that viability concerns will result in higher value properties dominating the open market element of any development thus preventing the delivery of smaller, less expensive houses described by them as the “middle market”. Balancing the mix of house types (and therefore house prices) is integral to the financial success of any development.

123. Applying Policy 1.4, Designing for affordability, in conjunction with Policy 1.5 should ensure that the open market housing element remains focussed on primarily meeting local needs. At the same time it does not prevent some larger and higher value properties from being included in the mix. On that basis I see no need to add the additional phrase “or otherwise fails to meet the needs of the community” to the part of the policy on Viability Assessments.

124. The submission of a Viability Assessment offers a means to balance the affordable housing contribution against other costs whether they be abnormal or unforeseen. This will offer the flexibility sought by Highland Council and provide some re-assurance to housing developers that any future changes in the economic climate or availability of public subsidy are able to be taken into account.

125. The National Park Authority do not purport to have all the skills necessary to assess development viability matters so there is a clear intention to have the Viability Assessments reviewed by an external organisation with expertise in such matters e.g. the District Valuer. I find this is an appropriate route to ensure financial matters are reviewed objectively. As commercial confidentiality may prevent the Viability Assessment from being shared in full with the general public, it is not possible for the terms of the policy to dictate how such documents should be handled.

126. Crucially it is for Supplementary Guidance to determine the format and nature of the Viability Assessment and it would be helpful if it gave some thought as to how to make this process as transparent as possible without interfering with commercial confidentiality concerns.

127. It is inevitable that Viability Assessments will require to be carried out at a single point in time and on the basis of a particular set of financial assumptions. Obviously economic conditions may subsequently fluctuate in favour of the developer but the risk that this results in the widespread and unnecessary reduction in affordable housing contributions remains low.

128. Taking all of the above concerns into account I do not consider the option to submit a Viability Assessment undermines the policy. It is better to introduce a system or criteria by which these concerns can be addressed rather than have such matters dealt with on an ad hoc basis.

### Implementation

129. The National Park Authority expect the payment of a commuted sum to be linked to the grant of planning permission probably by the use of a legal agreement. I do not see any need to set this out in the policy itself as suggested by Highland Council. The details of the commuted sum payment, its value and timing, would be a suitable matter for Supplementary Guidance and ultimately controlled by the terms of any legal agreement.

130. Highland Council is concerned about the apparent exemption of developments

over 3 units in the rural areas from contributing towards affordable housing. The National Park Authority indicate that housing development outwith a settlement would be unlikely to exceed 3 houses and thus it is not necessary for Policy 1.5 to provide for this. In Policy 1.2, however, housing development in existing rural groups is limited by the number of new buildings not the number of dwellings and; in Policy 1.3 there is no restriction on the numbers of dwellings that may be built on a brownfield site. To ensure all developments above a certain size contribute equally to the affordable housing provision I find it is necessary to recommend modifying the wording of part b) by replacing the word 'settlements' with 'areas of the National Park'.

131. The representation from Boat of Garten and Vicinity Community Council (BoGVCC) raises the possibility that developers may apply for housing as a series of small sites (under 4 units) to avoid the relevant affordable housing contribution. Development plan policies are not able to dictate the form and scale of individual planning applications. It therefore falls to the decision maker to determine, on a case by case basis, if there is evidence of an incremental approach to the development and whether it would be acceptable at that location within or outwith a settlement. No modification is required.

#### Policy 1.6 Affordable Housing Exception Sites

132. In recognising the challenges of providing the high level of affordable housing currently needed within the National Park, Policy 1.6 sets out a context in which developments offering 100% affordable housing could be considered favourably on sites that are not otherwise supported by the wider provisions of Policy 1.

133. A number of representations offer support for this approach and identify the benefits of engaging in pre-application discussions when such developments are proposed. There is nothing in the development plan to indicate that such discussions are not encouraged and the Authority have responded positively in this regard. There is also an intention to supplement the terms of Policy 1.6 with detailed guidance in the proposed Supplementary Guidance on Housing.

134. The policy sets out two underlying tests that must be met by the affordable housing proposal. Firstly it must be in a location where there is an unmet local need for such housing and, secondly, sufficient documentary evidence of that need must be provided. It does not offer any further restriction or definition of the relationship between the proposed housing and the identified need. No further explanation of how this policy would be implemented is offered by the supporting text for Policy 1 but it is to be addressed by the draft Supplementary Guidance on Housing.

135. Boat of Garten and Vicinity Community Council (BoGVCC), are seeking additional clarity on what constitutes an 'exception site' and due to the lack of direction on the relationship of the new housing to the identified need I share some of their concern. On reading the draft Supplementary Guidance there is clearly an expectation that new housing is located where future residents have a need to live and that it can meet a recognised need (Second and third bullet points on Page 11 of that document). I consider the scope of the exceptions to the otherwise restrictive elements of Policy 1 should be clear within the policy itself. Consequently I propose to recommend introducing additional wording in the first part of the policy to address this.

136. Like other policies in the plan Policy 1.6 does not explicitly state that the development must comply with any other policies of the plan and relies on the terms of

Paragraph 4.2 in this regard. However many elements of the policies that seek to protect the environmental qualities of the National Park contain caveats that may allow the need for a development to outweigh the potential adverse impacts. I can appreciate why Badenoch and Strathspey Conservation Group are concerned that the documentary evidence of housing need should be sufficiently robust.

137. The policy indicates that the evidence could be drawn from a number of sources. I find this level of flexibility is important due to the different types of affordable housing that could come forward (as described in the definition in the glossary). I have also considered the terms of the draft Supplementary Guidance noting the list of matters that the evidence on housing need should address and the intention that it will be independently assessed. Based on this I am satisfied that the National Park Authority are putting in place a suitably robust system on which to test proposals coming forward under Policy 1.6.

138. The balancing of the support for affordable housing offered by Policy 1.6 against the provisions of policies that seek to protect the environment will, however, be a matter for the decision maker, on a case by case basis. I would expect this will include an assessment of whether the housing need evidence is suitable and relevant at that time. Importantly, nothing in the proposed policy would over-ride the underlying principle of the National Park Act where, in the event of conflict between the aims of the National Park, greater weight is given to the first aim. For this reason I find it is unnecessary to change the term “will support” within the first paragraph of the policy to “may support” as suggested by R Turnbull.

#### Policy 1.7 Alterations to Existing Houses

139. Policy 1.7 sets out the considerations that apply to proposals to alter a dwellinghouse. Criterion c) of the policy requires that “adequate off-street parking and vehicular access to the property is maintained”. According to the National Park Authority this would be assessed using the “current requirements” which I take to be the appropriate authority’s roads and parking standards. My interpretation of criterion c) is therefore that any new development would be resisted where it places additional demands on the “adequate” access and parking arrangements to the extent that they would become inadequate.

140. Wildland Ltd suggest that the policy should allow for new development to use an existing substandard access to a house. Not all alterations to a house place additional pressure on a vehicular access or parking provision (substandard or not). However it is important to consider the consequences should this occur. I do not consider it is appropriate for the policy to support new development that would aggravate any current shortcomings in that regard. I do not therefore find it is appropriate to adjust criterion c) as suggested.

#### Policy 1.9: Replacement Houses

141. Policy 1.9 supports replacement houses as long as they are sited on the footprint of the existing house unless there are environmental, landscape or social benefits arising from an alternative position (criterion b). This policy applies to both settlement and countryside locations.

142. Wildland Ltd are concerned that this restriction prevents the relocation of a replacement house to a more distant position better suited to land management

requirements. In such circumstances I consider any new house required for land management purposes, would be more properly assessed under Policy 1.3 therefore I do not find there is any need to make any adjustment to policy criterion b).

143. The policy according to criterion a) would not support the replacement of any listed building and some Conservation Area properties, regardless of their physical condition. This approach would, according to Wildland Ltd, prevent an assessment of the financial viability of any restoration proposals. I share this concern as it is clear from Policies 9.1 and 9.3 that demolition of a protected building can sometimes be acceptable for that reason.

144. On considering this issue further the National Park Authority now propose to omit criterion a) completely. In conjunction with this change additional text is suggested for Paragraph 4.25 that identifies the need for the demolition of any protected building to comply with Policy 9 Cultural Heritage. I find this adjustment would address the concerns of Wildland Ltd and ensures that the demolition of a protected dwellinghouse is given due consideration under the tests set out in Policy 9.

145. I therefore propose to recommend modifying this policy by omitting criterion a) and adjusting the remaining text accordingly. I also propose to recommend inserting the additional text suggested by the National Park Authority into Paragraph 4.25. In accordance with my conclusions on Issue 4 on criterion a) in Policies 2.2 and 2.3 I also replace the word 'social' with 'amenity'.

#### Policy 1.10 Housing for Gypsies and Travellers

146. The National Park Authority confirm that the HNDA processes within the constituent local authorities have not identified any need for new gypsy, traveller or travelling show people sites. Policy 1.10 however would support any new sites that come forward if identified in a Local Authority Housing Strategy.

147. The National Park Authority does not produce a Housing Strategy and, in this regard, is dependent on the constituent local authorities. Policy 1.10 therefore provides for the situation where a new Housing Strategy is produced during the lifetime of the Proposed Plan that identifies a need for such facilities. I consider this offers a practical solution in these circumstances.

148. The present wording of the policy however has omitted to identify travelling show people as a separate group. The Scottish Government have suggested that the wording should be adjusted, in line with paragraph 133 of Scottish Planning Policy, and the National Park Authority agree this would be appropriate. I therefore propose recommend a modification to the policy and its title accordingly.

149. The Scottish Government has also requested that the Proposed Plan indicate the consideration that has been given to the need for sites for gypsies, travellers and travelling show people. Although the National Park Authority resist this change I consider it is reasonable to acknowledge that there are no land allocations for this purpose arising from the various HNDA processes that inform the plan. I therefore propose recommending modifying the plan by adding a reference to this at the end of Paragraph 4.9.

#### Policy 1.11 Long Term Designations

150. The representations on this policy are split between those who wish to see the policy removed in its entirety and those who wish to adapt its wording in ways that either increase or limit the likelihood that development of the Long Term Housing (LTH) sites in Aviemore would happen within the plan period. To address these various concerns I consider it is important to establish the clear purpose of the policy.

151. Scottish Planning Policy 2014 (SPP), at Paragraph 120, expects a local development plan to provide “an indication of the possible scale and location of the housing land requirement” beyond year 10 and up to year 20. Policy 1.11 is entitled ‘Long Term Designations’ and states that the LTH sites provide an indication of “Aviemore’s preferred direction of future growth”. The Proposed Plan at Page 96 indicates that LTH allocations represent “long term growth beyond the plan period”. On the basis of these descriptions the policy and associated allocations appear to provide direction on housing growth beyond the 10 year plan period and thus respond to the expectations of SPP. However the effective supply described in Appendix 1 (Housing Allocations and Housing Land Supply) shows that no completions are expected after 2030.

152. On further interrogation of the provisions of the Proposed Plan and on consideration of the National Park Authority’s response to the further information requests it is clear the policy has another purpose. It becomes apparent that Policy 1.11 is much more focussed on responding to the success or otherwise of the new settlement at An Camas Mòr, rather than making provision for future housing growth beyond the plan period. The National Park Authority describe it as a “contingency plan”.

153. The policy makes provision for the release of additional housing land in Aviemore only in the event that there is “strong evidence that the new settlement at An Camas Mòr” will not be delivered and that this alone has led to a shortfall in the five year effective housing supply.

154. The National Park Authority confirm that the LTH sites may only be brought forward to address a shortfall caused by a lack of development at An Camas Mòr not one caused by lack of progress at any other allocated site in the Highland area or in the wider National Park. They do not expect the LTH sites to be developed within the plan period or beyond unless An Camas Mòr does not proceed. This explains why Appendix 1 does not set out any expected completions.

155. Their reasons for this policy approach stem from a belief, as described in Paragraph 4.12 and expanded upon within the further information responses, that An Camas Mòr is at risk of not proceeding. This is attributed to the length of time the new settlement, in one form or another, has been promoted and a lack of committed public or private funding required to address the infrastructure costs associated with it. The land owner, Rothiemurchus Estate and An Camas Mòr LLP downplay these concerns. They confirm they have strong community support, an offer of funding in principle from the Scottish Government and, importantly, a comparatively recent planning permission in principle (April 2019) on which to progress the development.

156. The new settlement of 1500 houses includes business and community facilities and is a significant development within the National Park. I can appreciate that the National Park Authority in preparing the Proposed Plan would consider the likely effects of it not proceeding. Despite their concerns they conclude in Appendix 1 that 150 units would be delivered in both the first and second plan periods. Although, according to Rothiemurchus Estate, this figure would need to be reduced in the first plan period to 90 units as the first

completions are not now expected until 2022. (I make the appropriate modifications to Appendix 1 in my findings on the housing land supply above.)

157. It is therefore difficult to resolve the inclusion of An Camas Mòr as an effective part of the housing land supply with the policy approach set out in Policy 1.11. Especially as the Spatial Strategy of the Proposed Plan does not give any indication that the National Park Authority expect that such an approach is necessary. Quite the reverse. Paragraph 3.9 offers a clear commitment in the development strategy to the new settlement and the expectation it will “make a significant contribution towards meeting the need for housing and business development within the Highland Council area of the park”. The Community Information section, at Paragraph 5.3, confirms this by stating “the majority of new development will be provided within the existing strategic settlements and the new settlement of An Camas Mòr”.

158. I have established that Policy 1.11 is expected to act as a ‘contingency plan’ and that it only applies if the lack of progress at An Camas Mòr results in a shortfall in the effective supply. When I remove the expected completions attributed to An Camas Mòr from the figures set out in Appendix 1 (including the recommended modifications) I find the following:-

Highland Area	Housing land requirement	Effective Supply	Effective Supply less An Camas Mòr	Surplus/ Shortfall
2020-2024	340	511	421	+81
2025-2029	240	418	268	+28
<b>Total 10 years</b>	<b>580</b>	<b>929</b>	<b>689</b>	<b>+109</b>
National Park				
2020-2024	484	692	602	+118
2025-2029	335	539	389	+54
<b>Total 10 years</b>	<b>819</b>	<b>1231</b>	<b>991</b>	<b>+172</b>

159. These figures do not demonstrate there to be a significant risk to the effective housing land supply should An Camas Mòr fail to produce any housing completions in the first and second plan periods. I conclude from this that the Proposed Plan has already spread the proposed housing supply across a number of existing and new sites that reduce the dependency on An Camas Mòr to meet the housing land requirement.

160. There may be a need to reconsider this position when the plan is next reviewed and new housing supply target figures are available for 2030 onwards taking into account any completions arising at An Camas Mòr. But there is currently no evidence that an alternative site is required in the first two plan periods and this calls into doubt the fundamental premise behind Policy 1.11.

161. There is also some doubt over how the progress or deliverability of An Camas Mòr would be judged in applying this policy. The National Park Authority defer its explanation on this to Supplementary Guidance. I felt it was an important factor in understanding how the policy may be applied and sought further information from them on this point. The National Park Authority confirms that the plan period referred to in the policy to be the first period up until 2024. This leads me to consider whether the policy, as proposed, could ever be called upon during the 5 year lifetime of the plan.

162. The National Park Authority confirm that the deliverability of An Camas Mòr will be interpreted as the point when the current planning permission in principle (dating from April 2019), has lapsed. On my understanding of the terms of the permission the earliest it can

be considered to have lapsed would be April 2022. This is on the assumption that the applicant makes no request for the approval of any of the matters specified in the conditions within the required 3 year period. Should any such successful submission be made the permission is extended to April 2024 at the earliest. However as the additional two year period runs from the date of the approval of any of the aforementioned matters it is difficult to predict when the permission would actually lapse in these circumstances.

163. It is therefore possible that the permission could lapse within the first plan period but in my opinion it seems unlikely. A lack of successful progress is more likely to become evident if the applicant is unable to progress to the detailed design phases. This would be more likely to occur in the second plan period. Even if the permission lapses, it will prove difficult, in light of the housing land supply figures set out above, to establish that it is the lack of housing completions at An Camas Mòr that has created the shortfall. I consider it is unlikely that the policy, especially with the modifications suggested by RSPB Scotland, would be called upon to resolve any housing land supply position in the first plan period.

164. Reidhaven Estate suggests an amendment to the policy to allow the LTH sites to come forward in the event that An Camas Mor is not delivered or there is a shortfall in the effective supply (my emphasis). They cite the potential benefits to affordable housing provision that may arise but there is no evidence that the wording in the policy would effect such a change. In my opinion any new windfall development has the potential to increase the delivery of affordable housing. Such a change does not recognise that a shortfall in the housing land supply in the National Park could occur in another housing market area.

165. The change to the wording as suggested would increase the likelihood that both An Camas Mòr and the LTH sites could progress simultaneously. RSPB Scotland have highlighted that the HRA has not tested the scenario whereby both sites progress at the same time. The National Park Authority accept the suggested modification from RSPB Scotland as it would prevent this from happening. I infer from this that the Authority recognise that the current policy is vulnerable in this regard.

166. The National Park Authority have also confirmed that the wording of the policy needs to be adjusted to clarify that it is only the part of the LTH site applied for that need be “demonstrably deliverable”. This would allow some incremental or proportionate development at the LTH sites if deemed necessary. However it remains unclear how this incremental approach will address the requirement for a masterplan or any necessary mitigation requirements linked to the impacts on the natural environment.

167. Whilst I would be inclined to favour the stricter approach to the wording of the policy – one that prevents both the An Camas Mòr development and the long term sites proceeding at the same time, I remain unconvinced that this change alone would justify the retention of the policy.

168. Scottish Planning Policy (paragraphs 123 to 125) underlines the importance of maintaining a 5 year effective land supply at all times. Other factors, other than the lack of progress at An Camas Mòr, may cause a shortfall in the housing land supply in the National Park as a whole and importantly within other local authority or housing market areas covered by the National Park.

169. This policy and the sites advocated in Aviemore do not address these other circumstances. The narrow remit of the policy would limit its usefulness to decision makers faced with a shortfall in the effective 5 year supply in the National Park. Additional

housing development at Aviemore may not always offer an appropriate solution bearing in mind the emphasis placed, within the Proposed Plan, on addressing local housing needs in the constituent local authority areas within the National Park.

170. Whilst the primacy of the development plan remains intact SPP currently advises that in the event of a shortfall in the 5 year effective supply “development plan policies for the supply of housing land will not be considered up to date”. Thus this targeted support for the Aviemore LTH sites may have limited relevance even where the shortfall can be attributed to the Highland part of the National Park. It would not, in my opinion, prevent other windfall sites from coming forward and being considered favourably subject to the relevant provisions of the plan.

171. In summary therefore I am concerned that Policy 1.11 cannot be justified by the current status of the An Camas Mòr development (and its extant planning permission in principle) or any evidence of an expected shortfall in the housing land supply up to year 10. Furthermore this policy approach is not endorsed by the current Spatial Strategy which does not indicate the possibility of a long (or short) term alternative to the new settlement. Inclusions of longer term (or alternative) allocations without any clearly established need could dilute efforts to bring forward the new settlement and create uncertainty for infrastructure providers and others. On that basis I propose to recommend deleting the policy, Paragraph 4.12 of the Proposed Plan and any relevant text within the red box on Page 24 of the plan.

172. Representations suggest replacing Policy 1.11 with one that specifically supports the new settlement and that this would reflect the significant community support for the new settlement. Notwithstanding the statements made by the National Park Authority regarding the risk that An Camas Mòr may not proceed, I find there is clear support for the new settlement within the Spatial Strategy, the development strategy at Figure 3 and within Section 5, Community Information.

173. While there may have been delays in the processing of previous applications relating to the new settlement I am not in a position to attribute any particular responsibility for this. Developments of this scale will need careful consideration and setting arbitrary processing time periods within a development plan would not be appropriate.

174. The new settlement now has a planning permission in principle and taking into account the other changes to the terms of the allocation in Section 5 addressed within Issue 7 I do not consider a policy expressly supporting An Camas Mòr is required.

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

175. Paragraph 4.6 summarises very succinctly the aim of the policy and the expectation of the compatibility of future development with the “unique natural heritage and landscape qualities” of the National Park. No further explanation on this point is required.

#### Paragraph 4.14 – Housing need

176. Paragraph 4.14 describes the importance of housing that is both affordable, in terms of the definition in the Proposed Plan, and in terms of its accessibility to those people who work within the National Park that are recognised as having relatively low incomes. Within the latter group there will be people who may not be eligible for affordable housing or who would prefer to buy or rent on the open market. Thus these households are covered by paragraph 4.14.

177. While An Camas Mòr, as the largest allocated site in the Proposed Plan, is likely to contribute housing units of the type described in paragraph 4.14 many other housing sites are expected to contribute units in the first 5 years of the plan. There is no reason to single out the contribution of An Camas Mòr within the text of paragraph 4.14.

#### Paragraph 4.15 – Staff accommodation

178. Paragraph 4.15 simply confirms that staff accommodation for specific businesses will be supported if compliant with the policies of the plan. No attempt has been made to single out any particular policy that would apply. This is a sensible approach as staff accommodation could take a number of forms including but not exclusively, hostel accommodation, individual houses or non-permanent facilities such as caravans. It may also qualify as affordable housing. Policy 1.9 dealing with replacement houses would not be particularly relevant. I do not therefore consider a specific policy or an adjustment to an existing policy is required.

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

179. Paragraph 4.16 summarises the elements of Priority 7 of the Partnership Plan that are being addressed by Policy 1. Wildland Ltd would prefer a separate and single chapter to be devoted to exploring the links with the Partnership Plan. Whilst it is not strictly necessary to repeat the provisions of the Partnership Plan within the Proposed Plan I find the cross referencing in each section to be extremely helpful. Explaining the nature of the connections between the two plans on a subject basis will undoubtedly assist the potential users of the plan, whether they be future developers or decision makers.

#### Paragraph 4.16 - Second Homes

180. The representations refer to point a) which seeks to reduce the proportion of second homes in new developments and challenge the evidence base for this along with the sufficiency of the measures that are being put in place. Paragraph 4.16 is a verbatim re-iteration of Priority 7 and I do not propose to change the wording as I would in effect be changing the terms of the Partnership Plan.

181. I have reviewed the housing evidence report and I am satisfied that the source of the estimated 12% second home ownership in the National Park is drawn from recognised data (council tax register). This figure far exceeds the Scottish average and for the Highland area as a whole. Although the actual numbers of second homes will vary from year to year it is unlikely that the percentage figure would alter significantly. I am satisfied that the evidence available to this examination continues to support the aims of the Partnership Plan and importantly the choice of settlements in Policy 1.5 where the 45% affordable housing contribution rate applies.

182. While some control can be exerted over the occupancy of affordable housing, there are currently no provisions in planning legislation that prevent existing or new open market housing from becoming a second home. Current government advice also resists the use of conditions on new development that seek to control the occupancy of a house. Without a change to primary legislation or national guidance there are limited tools available to control second homes. Thus, regardless of the benefits that may arise from controlling the number of second homes, it is not possible to use the policies of the plan to cap the number.

183. Due to these difficulties the Proposed Plan seeks to increase the proportion of affordable housing that can be prevented from becoming a second home and the amount of new market housing that may be unattractive to potential second home purchasers. This is dealt with in more detail in my comments on Policies 1.4 and 1.5 above. This approach demonstrates that the Proposed Plan is using the powers currently available to influence the number of new houses that could become second homes.

#### Other Housing Types

184. Scottish Planning Policy at Paragraph 132 expects the development plan to incorporate policies that support the delivery of specialist housing or allocate sites to address any demand for such facilities set out in the HNDA. This should include “accessible and adapted housing, wheelchair housing and supported accommodation including care homes and sheltered housing”.

185. The National Park Authority’s position is that the local authorities that overlap the National Park boundary and produce the HNDAs would absorb the requirement for any specialist housing that is identified in the relevant HNDA. Having reviewed the overall figures presented it is reasonable to conclude that the figures would be small and a specific housing supply target or site allocation would be unnecessary. But that is not to say that no specialist housing would be required in the National Park.

186. I agree that the smaller and more isolated settlements would not offer a suitable or accessible location for new specialist housing facilities of any size but the strategic settlements would. It also seems reasonable to assume that a proportion of the new housing envisaged for the National Park would need to incorporate the special needs features associated with the aging population.

187. For example Paragraph 3.5 of the HNDA for Highland indicates there are particular pressures in Badenoch and Strathspey. Although it is home to only 6% of the Highland population, it has approximately 20% of Highland’s sheltered and very sheltered housing stock. Furthermore at Paragraph 5.5.2, the HNDA indicates that the Highland area is “likely to see a significant 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”.

188. The National Park Authority rely on Policy 1.4, Designing for Affordability, as a policy tool to ensure that the housing mix reflects a balanced housing stock and this could include specialist housing. I agree this is an appropriate means to address the delivery of this type of housing on a case by case basis. There is currently no reference to this in the wording of the policy or the supporting text. I therefore propose to recommend a modification to the title of the policy and the insertion of a new paragraph on this matter after Paragraph 4.15 in line with the wording suggested by the National Park Authority.

#### **Reporter’s recommendations:**

1. Modify the supporting text for Policy 1 New Housing Development by substituting Table 1: Housing Supply Target on page 26 with the following:

CAIRNGORMS NATIONAL PARK PROPOSED LOCAL DEVELOPMENT PLAN

Local Authority	2020-2024			2025-2029			2030-2039 (Indicative target)		
	Market	Affordable	Total	Market	Affordable	Total	Market	Affordable	Total
Aberdeenshire	40	35	75	26	23	49	47	38	85
Angus	0	0	0	0	0	0	0	0	0
Highland	144	165	309	118	100	218	236	200	436
Moray	18	10	28	14	7	21	22	13	35
Perth & Kinross	13	14	27	9	7	16	18	14	32
<b>Total</b>	<b>215</b>	<b>224</b>	<b>439</b>	<b>167</b>	<b>137</b>	<b>304</b>	<b>323</b>	<b>265</b>	<b>588</b>

2. Modify the supporting text for Policy 1 New Housing Development by substituting Table 2: Housing Land Requirement based on a generosity level of 10% on page 26 with the following:

Local Authority	2020-2024	2025-2029	2030-2039 (Indicative target)
Aberdeenshire	83	54	94
Angus	0	0	0
Highland	340	240	480
Moray	31	23	39
Perth & Kinross	30	18	35
<b>Total</b>	<b>484</b>	<b>335</b>	<b>648</b>

Note: the totals are the sum of each Local Authority area requirement rather than a 10% increase of the total Housing Supply Target from Table 1

3. Modify Appendix 1 Housing allocations and housing land supply on Pages 217 and 218 by substituting the table of figures with the following:

Settlement	Site Ref/Name	Total capacity	Effective Supply Pre-2020	Effective Supply 2020-2024	Effective Supply 2025-2029	Effective Supply Post 2030
<b>Aberdeenshire</b>						
Ballater	H1: Monaltrie Park	250	0	90	90	70
	C1: Former School	26	26	0	0	0
Braemar	<b>H1: Chapel Brae</b>	<b>6</b>	<b>(3) 0</b>	<b>(3) 6</b>	<b>0</b>	<b>0</b>
	H2: St Andrews Terrace	30	0	9	21	0
	H3: Kindrochit Court	11	0	11	0	0
	H4: Chapel Brae	6	0	6	0	0
	<del>H5: North Braemar</del>	<del>0</del>	<del>0</del>	<del>(15) 0</del>	<del>(20) 0</del>	<del>(10) 0</del>
Dinnet	<b>H1: Land to East</b>	<b>15</b>	<b>(5) 0</b>	<b>(10) 15</b>	<b>0</b>	<b>0</b>
<b>Aberdeenshire Total</b>		<b>344</b>	<b>26</b>	<b>137</b>	<b>111</b>	<b>70</b>
		<b>(364)</b>	<b>(34)</b>	<b>(64)</b>	<b>(66)</b>	<b>(210)</b>
<b>Highland</b>						
Aviemore	H1: Dalfaber	10	0	10	0	0
	H2: Dalfaber	83	0	40	31	12
	M1: Aviemore Highland Resort	214	10	100	104	0
	<b>ACM: An Camas Mòr</b>	<b>1500</b>	<b>0</b>	<b>(150) 90</b>	<b>150</b>	<b>1260</b>
	<del>LTH 1 &amp; 2 North Aviemore</del>	<del>(400) 0</del>				
Grantown-on-Spey	H1: Beachen Court	53	42	11	0	0

CAIRNGORMS NATIONAL PARK PROPOSED LOCAL DEVELOPMENT PLAN

	H2: Castle Road	50	5	45	0	0
Kingussie	H1: Ardbroilach Road/Craig an Darach	300	10	50	50	190
Newtonmore	H1: Perth Road / Station Road	120	20	43	38	19
Carr-Bridge	<b>H1: Carr Road</b>	<b>(36) 47</b>	0	<b>(36) 47</b>	<b>0</b>	<b>0</b>
	H2:Crannich Park	23	23	0	0	0
Cromdale	H1: Kirk Road	20	0	0	6	14
	<b>H2 Auchroisk Park</b>	22	6	10	4	<b>(0) 2</b>
Dulnain Bridge	H1: Land West of Play Area	20	0	0	20	0
	H2: Land Adjacent to A938	20	0	20	0	0
Kincraig	H1: Opposite School	40	4	15	15	6
Nethy Bridge	H1: Lettoch Road	20	0	20	0	0
	H2: Lynstock Crescent	4	0	4	0	0
Dalwhinnie	H1: Land by Garage	6	0	6	0	0
Laggan	H1: Land adjacent to A86	8	0	0	0	0
<b>Highland Total</b>		<b>2560 (2942)</b>	120	<b>511 (560)</b>	418	<b>1503 (1441)</b>
<b>Moray</b>						
Tomintoul	H1: Conglass Lane	8	0	8	0	0
	H2: Lecht Drive	8	0	0	8	0
<b>Moray Total</b>		16	0	8	8	0
<b>Perth &amp; Kinross</b>						
Blair Atholl	H1: Old Bridge of Tilt	20	0	20	0	0
	H2: Main Road	10	0	8	2	0
	<b>H3: Land North of Little Orchard</b>	<b>8</b>	<b>(8) 0</b>	<b>(0) 8</b>	<b>0</b>	<b>0</b>
Calvine	C1: Old School					
<b>Perth &amp; Kinross Total</b>		<b>(30) 38</b>	<b>(8) 0</b>	<b>(28) 36</b>	2	0
<b>CNPA Total</b>		<b>2958 (3351)</b>	<b>146 (154)</b>	<b>692 (660)</b>	<b>539 (494)</b>	<b>1573 (1651)</b>

Note:

- Figures in bold text mark where a change has been made - previous figure in brackets;
- The effective supply for H2 Auchroisk Park does not add up to the total capacity figure and for arithmetical purposes the missing 2 units are added to the post 2030 supply.
- No effective units are attributed to Laggan H1 during the 3 periods.

4. Modify Policy 1.2 Housing development in rural groups on Page 22 by adding to the text in brackets in the first sentence as follows:

“Proposals for new housing development which adds to an existing rural group (three or more buildings at least one of which is a dwellinghouse) will be considered favourably where:...”

5. Modify the supporting text for Policy 1 New Housing Development on Page 24 by adjusting the text within the red box so that it makes reference to the full range of issues to be addressed by the Supplementary Guidance: Housing and omits any reference to the long term housing sites as follows:

“Supplementary Guidance (Housing) will be produced to support Policy 1 by providing further detail on how best to deliver new housing. This includes advice on different types of affordable housing, maintaining housing as affordable housing in perpetuity, on site and off site affordable housing provision, financial contributions to affordable housing, and where flexibility may be applied to the affordable housing percentage requirements. It will also provide further advice on development within rural groups, specialist provision and replacement dwellings.”

6. Modify Policy 1.5 Affordable housing on Page 22 by replacing the last word in criterion b) so that it reads as follows:

“b) 25% of the total number of dwellings on the development site in all other areas of the National Park.”

7. Modify Policy 1.6 Affordable housing exception sites on Page 23 by dividing the first paragraph into two paragraphs (retaining the existing second paragraph unchanged), expanding the policy criteria and setting them in list form as follows:

“Development of 100% affordable housing sites will be supported in locations that would not normally be used for housing only where:

- i) it is justified by evidence of unmet local need at that location and;
- ii) the housing is designed to address that need.

Any planning applications for such housing must be accompanied by evidence of the unmet local need at that location such as community needs assessments, housing needs and demand assessments or other relevant information available at the time of the application.”

8. Modify Policy 1.9 Replacement Houses on Page 23 by removing criterion a) and adjusting the remaining text as follows:

“Proposals to replace existing housing stock will be supported where the new house incorporates the footprint of the original, unless an alternative adjacent site would minimise any negative environmental, landscape or amenity effects of the development.”

9. Modify the supporting text for Policy 1 New Housing Development on Page 30 by adding an additional sentence to the end of Paragraph 4.25 as follows:

“Any proposal that will result in the loss of a listed building or unlisted building within a conservation area that makes a positive contribution to its character will need to comply with Policy 9.”

10. Modify Policy 1.10 Housing for gypsies and travellers on Page 23 by adding additional text to the title and the amending the text of policy as follows:

“1.10 Housing for gypsies, travellers and travelling show people

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

11. Modify the supporting text for Policy 1 New Housing Development on Page 25 by inserting additional text at the end of paragraph 4.9 as follows:

“The HNDA process has not identified any need to allocate land in the National Park for gypsy, traveller or travelling show people accommodation. In the event that this situation should change during the lifetime of the plan any new development would be assessed under Policy 1.10.”

12. Modify Policy 1 New Housing Development on Page 24 by deleting Policy 1.11 Long Term Designations in its entirety.

13. Modify the supporting text for Policy 1 New Housing Development on Page 27 by deleting paragraph 4.12 in its entirety and adjusting the paragraph numbering accordingly.

14. Modify Policy 1.4 Designing for Affordability on Page 22 by adding the following wording to the title of the policy:

“Policy 1.4 Designing for affordability and specialist needs”

15. Modify the supporting text for Policy 1 New Housing Development on Page 27 by adding an additional paragraph after Paragraph 4.15 and adjusting the paragraph numbering accordingly:

“Consideration also needs to be given to the aging and disabled population of the National Park. Proposals should demonstrate how they will support the delivery of specialist housing, such as accessible or extra care housing. This may form part of the affordable housing requirement, for example where a specialist property is needed by a housing association.”

<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> Elspeth cook
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>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</p>		
<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></p> <p>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></p> <p>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></p> <p>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</p>		

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.

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.

#### 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:**General Comments, Figure 7 Significant tourism infrastructure and Policy 2.5 Protecting existing economic activity (Strathspey Railway Matters)

1. The Strathspey Railway Charity Trust aims to deliver an extension to the Strathspey Railway from Broomhill to a new terminus at Grantown-on-Spey. Part of the intended route is identified within the Grantown-on-Spey settlement map and a site is identified for the future terminus (C2). The settlement objectives include a reference to supporting the railway extension however the Trust are concerned that Policy 2 as a whole may not make sufficient provision for this project: especially as the indicative route of the future line at Grantown-on-Spey passes through an allocated employment site ED1.
2. I find the terms of Policy 2.3, Other tourism and leisure developments, and Policy 2.5, Protecting existing economic activity, make provision for both the protection and the enhancement/expansion of tourism facilities. I am satisfied these elements of Policy 2, along with the terms of the Grantown-on-Spey settlement statement, would provide a positive context in which to consider any future planning proposals for the railway extension. Consequently, I do not consider it is necessary to make a specific reference to the Strathspey Railway within the terms of Policy 2 itself. Any conflict that may arise with other land allocations at Grantown-on-Spey are dealt with under Issue 7.
3. The further explanation of Policy 2.3 in Paragraph 4.38, limits the policy’s support to the enhancement, expansion and diversification of “major tourist attractions” in the National Park. These are not defined however there is a map of ‘Significant tourist infrastructure’ at Figure 7. The Strathspey Railway is not identified in this figure although it is part of Figure 10, ‘Public investment priorities for visitor infrastructure’, in the 2017 Partnership Plan. I can therefore appreciate the Trust’s concerns that their omission from Figure 7 may affect their future aspirations.
4. As the heritage railway is an important tourist attraction that relies on significant elements of infrastructure, such as the line and the stations, I consider it is reasonable to identify the Strathspey Railway and its extension aspirations within Figure 7 and propose to recommend modifying the figure accordingly.

Paragraph 4.27 Policy Aims

5. Four aims are set out in the National Parks (Scotland) Act 2000. One of these seeks ‘to promote sustainable economic and social development of the area’s communities’. The Partnership Plan and the Proposed Plan at Paragraph 1.6 make it clear that all four aims are to be pursued collectively. In the event that there is any conflict between the four aims, however, the Act expects the first aim – to conserve and enhance the natural and cultural heritage of the area - to be given greater weight than the other three.
6. The proposed change to the wording of Paragraph 4.27, as suggested by Rothiemurchus Estate, is intended to place greater emphasis on the contribution of

sustainable economic growth in achieving all four aims. I do not however consider the proposed change in emphasis would properly reflect the provisions of the Act, the Partnership Plan or the Proposed Plan.

7. Furthermore the proposed wording of the modification results in additional emphasis being placed on the contribution of specified sectors of the economy (land management, recreation and food and drink) and not on the contribution of sustainable economic development in its broadest sense.

8. In reading Paragraphs 4.26, 4.27 and 4.28 together it is clear that the Proposed Plan recognises the importance of, and inter-dependency between, sustainable economic growth and the long term success of the National Park and its communities. I do not consider any modification is therefore necessary.

#### Para 4.29 Relationship with the Cairngorms National Park Partnership Plan

9. This paragraph sets out extracts from the Partnership Plan that have a direct relationship with Policy 2. Wildland Ltd prefers a separate and single chapter to be devoted to exploring these links. Whilst it is not strictly necessary to repeat the provisions of the Partnership Plan within the Proposed Plan I find the cross referencing in each section to be extremely helpful. Explaining the nature of the connections between the two plans on a subject basis will undoubtedly assist the potential users of the plan, whether they be future developers or decision makers.

10. The North East Mountain Trust's (NEMT) concerns relate to the importance placed on higher and further education in section c) of Paragraph 4.29. The phrase used in section c) - "making stronger links" - is lifted from the Partnership Plan at Policy 3.1 therefore I do not consider it would be appropriate to alter the text. The National Park Authority highlights that the Proposed Plan is not able to deliver these links but provides a policy framework on which to assess any education related development that may arise. I am satisfied that the policy support for community facilities set out in Policy 2.1 would apply to further and higher education developments. No modifications to Paragraph 4.29 are required.

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

11. Policy 2.1 provides a context for assessing a range of non-residential developments attracting visiting members of the public. Retail is only one of these. The policy seeks to apply a sequential approach to assessing the location of these developments and, in accordance with Paragraph 60 of Scottish Planning Policy 2014 (SPP) town centres are the preferred location. I consider the wider scope of the policy and the particular emphasis on town centre development could be better reflected in the title of the policy. The National Park Authority accepts the use of the term 'Town Centres First' and I agree it is an appropriate alternative and I propose to recommend modifying the policy accordingly.

12. The Scottish Government's submission also highlights the three important characteristics of the town centre that should be supported: vibrancy, vitality and viability. Policy 2.1 is currently worded in a way that seeks to prevent a "detrimental impact on vitality and viability of existing town centres and settlements". I find the policy should reflect the more positive approach set out in SPP whereby any development is required to 'support' all three characteristics referred to above. I propose to recommend a

modification to address this change in emphasis.

13. Notwithstanding the sequential approach to development advocated by Policy 2.1, Tactran suggests that Policy 2, as a whole, should emphasise that accessibility and sustainable transport requirements will be an important consideration for development in rural areas.

14. Similar issues relating to sustainable transport provision have been considered under Issues 1 and 2. My conclusions remain similar in this case. Policy 3.3 requires all development proposals to be designed to promote sustainable transport methods and active travel; Paragraph 4.53 refers to prioritising sustainable and active travel choices; and Paragraph 4.159 advises that some proposals may be required to contribute to public transport provision.

15. In terms of economic development proposals Paragraph 4.43 states that “planning permission will only be granted where it is demonstrated that a proposal supports and promotes sustainable economic development”. I would expect transport requirements to form part of any assessment of sustainability. I am therefore satisfied that the combination of Policy 3.3 and supporting Paragraphs 4.53, 4.159 and 4.43 would ensure that accessibility and sustainable transport considerations apply to all economic development proposals including those in rural areas.

16. I conclude that there is no requirement to add a statement to the policy or the supporting text to specifically address this matter as it is otherwise addressed adequately elsewhere in the Proposed Plan.

Policy 2.2 Tourist Accommodation: including Paragraphs 4.35 - tourist accommodation, 4.36 - huts, and 4.37 - new houses for tourism purposes

17. Policy 2.2 (and also 2.3) contains a requirement that development should “have no adverse environmental or social impacts on the site or the neighbouring areas”. This raises two areas of concern. Firstly, the nature of a “social impact” (North East Mountain Trust) and secondly is the test of “no adverse” impacts unduly onerous on development proposals (Wildland Ltd and Rothiemurchus Estate).

Social Impact

18. Although the National Park Authority initially resisted any attempt to define the scope of a ‘social impact’ they have subsequently described a number of matters that they anticipate would be encompassed by this phrase. The matters of noise, disturbance, light pollution, car parking and antisocial behaviour are, in my mind, clearly examples of matters that could affect the amenity of a residential property, an area or a community.

19. As there is a degree of uncertainty around the use of the phrase “social impacts” I consider the phrase “amenity impacts” would offer greater clarity to users of the Proposed Plan. It is a recognised term and can apply to any situation where the existing qualities of that place can be identified and are worthy of consideration and protection.

Adverse Impacts

20. I consider criterion a) establishes that support for tourism accommodation is conditional upon the acceptability of any environmental and social (or amenity) impacts.

The policy does not otherwise restrict the development of tourism accommodation within the National Park so criterion a) acts as the main factor in determining the acceptability of both the location and potential impacts of the development. In these circumstances, and notwithstanding the wider requirement to meet the other policies of the plan, I would not support the deletion of criterion a).

21. The proposed alternative wording for criterion a) suggested by Rothiemurchus Estate would introduce a positive requirement for developments to enhance the qualities of the National Park. Although this phrase reflects the underlying aims of the National Park it would introduce a greater expectation on developments than ensuring there were “no adverse” impacts. The provision of tourist accommodation is an important factor in the wider economy of the Park and the proposed change would be more onerous for future projects. I do not therefore accept this substitution.

22. Wildland Ltd and Rothiemurchus Estate also wish to insert the phrase ‘significant’ into the terms of criterion a) on the basis that only significant adverse impacts should influence the acceptability of the development. The National Park Authority resists this as the policy is intended to apply this test flexibly depending on the circumstances in each case.

23. I find it is likely that the assessment of environmental and social (or amenity) impacts would be tested in more detail under the other policies of the plan (such as Policies 4, 5 and 9). These policies address both “adverse impacts and “significant adverse impacts”. Furthermore in many cases these policies (for example Policy 4) have the facility to assess the acceptability of the adverse impacts in the context of the proposed mitigation or any social/economic contribution to matters of public or national interest. No such balancing exercise is embedded in Policy 2.2.

24. I therefore considered whether using the term ‘unacceptable adverse impacts’ would address the concerns of both the National Park Authority and the representations. Such an approach would allow the outcome of the balancing exercise offered by other policies to be taken into account. The parties involved however resist this as they consider it would be difficult to establish the parameters of an ‘unacceptable’ impact.

25. Wildland Ltd is of the opinion that the phrase ‘significant’ is more widely understood as it is derived from the environmental impact assessment regime. Whilst I accept that may be the case for environmental matters that require to be scrutinised under that regime it does not offer the same certainty in other matters where such an assessment is not required.

26. Without environmental assessment, determining the extent of potential adverse impacts (significant or otherwise) remains a matter for the decision maker. On that basis and bearing in mind the National Park Authority’s reliance on Paragraph 4.2 of the Proposed Plan (that planning applications will be assessed against all relevant parts of the plan) I find that there would be no appreciable difference in outcome arising from the introduction of the word ‘significant’ into Policy 2.2.

27. Rothiemurchus Estate has also assumed that this policy would only support tourist accommodation that has a proportion of “low cost options”. The National Park Authority does not intend criterion b) to be applied in that way. Paragraph 4.35 also offers encouragement for proposals offering low cost facilities but the policy itself does not prevent a wide range of facilities coming forward. Low cost facilities are identified as one

of those visitor accommodation options as it remains a priority identified in the Partnership Plan. No modification is required.

#### Paragraph 4.35

28. Boat of Garten and Vicinity Community Council recognises the support for low cost tourist accommodation offered by Paragraph 4.35 but wish to see camping sites given specific allocations and protection. While existing and allocated tourism sites are protected by Policy 2.5 this would not extend to the particular mix or type of facilities within a holiday park site.

29. The amount of control available over changes in the mix and type of facilities is dependent on the terms of the planning permission and/or site licence. Ultimately the provision or retention of camping facilities would be a commercial consideration for site operators. I therefore agree with the National Park Authority that it is not appropriate to seek to differentiate between camping and other tourist accommodation types within the terms of the policy or site allocations. No modification is required.

#### Paragraph 4.36

30. Paragraph 4.36 refers to huts under the heading of 'Tourist Accommodation' and the wording of Paragraph 76 of Scottish Planning Policy (SPP) infers that huts should be treated as tourist accommodation rather than a tourist attraction or activity. This is clear from the definition of a hut provided in the SPP glossary. The Proposed Plan however does not define 'hut' either within Paragraph 4.36 or the glossary.

31. As the word 'hut' could apply to a number of different development types I agree that the definition of a 'hut', as set out in SPP, would be a useful addition to the glossary of the Proposed Plan, as suggested by Crown Estate Scotland. I therefore propose to recommend modifying the plan's glossary accordingly.

32. On the basis that a hut, as defined by SPP, is a form of accommodation I am satisfied Policy 2.2 provides the appropriate context within which to assess such developments. Furthermore as huts are intended to be a low cost form of accommodation there is broad encouragement for this within Policy 2.2 and the Partnership Plan. Consequently, I do not consider any adjustments are required to the text of either Policy 2.2 (or 2.3 Other Tourism and Leisure Developments) as suggested by Crown Estates Scotland).

#### Paragraph 4.37

33. Highland Council and Wildland Ltd have different views regarding the policy approach to new tourist housing that is otherwise built to normal residential standards. One wishes to emphasise the control over such housing and the other seeks to relax the controls.

34. Scottish Planning Policy (SPP) currently discourages the use of occupancy restrictions yet without such a provision any tourist housing built to residential standards can currently be used as mainstream housing. Changes to the planning status of short term letting properties are set out in the Planning (Scotland) Act 2019 however at this time the relevant regulations are not available and I cannot therefore assume that such activities will definitely require planning permission in all circumstances.

35. Policy 2.2 specifically refers to 'tourist accommodation' and not housing and its purpose therefore reflects the requirements of paragraph 79 of SPP which expects development plans to set out policies for leisure accommodation such as "holiday units, caravans and huts." The pressure for rural housing, especially second homes, in the National Park is acknowledged by the Partnership Plan. I therefore consider it would be appropriate to ensure that any conventional housing that could be used as a second home or as tourist accommodation should continue to be controlled under the more restrictive provisions of Policy 1 New Housing Development.

36. Paragraph 4.37 clarifies this position however Wildland Ltd resists this approach. They consider conventional housing built as tourist accommodation should be supported in principle and moreover made exempt from developer contributions to infrastructure (specifically healthcare and education). While I accept that tourist accommodation may have little impact on education facilities, the potential exists for it to be occupied for much of the year. In these circumstances the demands placed on other transport or community facilities would be similar to permanent housing.

37. As indicated above, I agree with the National Park Authority that restricting the occupancy of conventional housing is difficult therefore it is not currently possible to prevent such housing moving into permanent occupation. I do not therefore agree that Policy 2.2 or Paragraph 4.37 should be adjusted so that housing built to residential standards (intended for tourists or holiday home purposes) should be assessed as tourist accommodation and therefore exempted from any relevant infrastructure payments.

38. I agree with Highland Council, however, that rather than relying solely on Paragraph 4.37 it would be prudent to adjust the terms of the policy itself so that the limited scope of the tourist related accommodation policy is clearer. I therefore propose to recommend a modification to Policy 2.2 to clarify this.

#### Policy 2.3 Other tourism and leisure uses including Paragraphs 4.39 and 4.40

39. The wording of criterion a) "no adverse environmental and social impacts on the site" is questioned by both Wildland Ltd and Rothiemurchus Estate in similar terms to their representations regarding Policy 2.2 (Although no specific query is raised regarding the 'social' impacts element). This policy criterion is identical to Policy 2.2 a) and I consider my findings on this are equally applicable in the context of Policy 2.3. I find the word 'social' should be replaced with 'amenity' and that there is no justification to introduce the word 'significant'. I propose to recommend modifying criterion a) accordingly.

40. Rothiemurchus Estate wishes to make criterion b) more precise by expanding the phrase to refer to the experience of visitors "to the Park". This is clearly the intention of the policy criterion as it only applies to proposals located within the National Park. No modification is required.

41. I have considered the wording of criterion c) of this policy. I am satisfied that the wording of the phrase "supports or contributes to a year round economy" encourages tourism and leisure proposals to address how they might extend their operating period or be less dependent on seasonal activities. It does not, as feared by Rothiemurchus Estate, require every development to deliver year round facilities. The National Park Authority have also confirmed that the policy would not be interpreted in that way. No modification is required.

Paragraph 4.39

42. Paragraph 4.39 makes reference to the ski centres within the National Park and John Muir Trust would wish to insert a phrase here that requires future proposals to meet the “most stringent of environmental tests”. I am satisfied that the support for the development and enhancement of such facilities expressed in this paragraph is not intended to supersede the full consideration of any proposals against the relevant policies of the plan and the various environmental tests embedded within those policies. I do not consider a modification is required.

Paragraph 4.40

43. Paragraph 4.40 indicates that proposals for informal visitor infrastructure such as paths and strategic routes would be assessed under Policy 2.3. The North East Mountain Trust wants the Proposed Plan to strengthen the controls over such paths by stating a presumption against new paths in open moorland. (A similar position is established for private ways in Policy 5.2). John Muir Trust wants to see some element of control in areas where the ‘remoteness’ and ‘rugged challenging terrain’ (defined qualities of the National Park) are the prevailing character and as such formal paths would not be desirable.

44. The National Park Authority however remains supportive of new paths where their key purpose is to improve outdoor access. This support responds to Policy 2.3 of the Partnership Plan which aims to provide high quality opportunities for access including core paths and long distance routes. Policy 2.3 of the Proposed Plan is however clear that there should be no adverse environmental impacts. This provision and Policies 3, 4 and 5 would be relevant to any proposals for a new route. I am satisfied that the existing policy framework would ensure that the route and design of a proposed path addresses the issues described by North East Mountain Trust and the John Muir Trust.

45. I do not therefore find there is any need to set out any presumption against all new paths in open moorland. No modification is required.

46. The Proposed Plan itself is unable to directly influence the maintenance regimes associated with existing paths. In the event that planning permission is required for the maintenance of a path due to the scale and nature of the proposed works then the policies of the plan, including Policy 2.3, would be applied. I therefore find the plan need not make reference to path maintenance regimes and no modification is required.

47. The importance of active travel forming part of any new economic development proposal would be addressed by Policy 3.3 part f). The Proposed Plan however is not able to influence the active travel opportunities for existing workplaces in the Park and no modification is therefore required on this issue. (Paths for All)

Policy 2.4 Other Economic development

48. This policy provides a context for assessing all other economic development proposals that would not otherwise be addressed by Policies 2.1 to 2.3. Developments are supported where they:

“a) are compatible/complementary with existing business activity in the area; and

## b) support the vitality and viability of the local economy”

49. Rothiemurchus Estate seeks to remove the existing policy criteria completely and to introduce three new criteria, coupled with an obligation only to meet one of those specified. The first of these refers to “the enhancement of social, economic, cultural and environmental qualities of the park”. Whilst these are laudable objectives that would not conflict with the wider purpose of the National Park it may be difficult for an economic development proposal to demonstrate improvements to all four of these characteristics. I find the change would therefore set a more stringent test for new economic development activity than is currently set out in the Proposed Plan.

50. The second proposed criterion seeks the “enhancement of the visitor experience in accordance with the Park Brand”. The Partnership Plan refers to the ‘brand’ in Visitor Experience Policy 2.1: “to build on the National Park brand and the promise it delivers”. The Partnership Plan does not however attempt to describe the characteristics of this brand and the concept is not one promoted elsewhere in the Proposed Plan. I do not therefore consider this proposed policy criterion offers a sufficiently robust test for determining planning applications for economic development proposals.

51. The third proposed criterion refers to the “enhancement of community resilience by diversifying the economy.” The Partnership Plan makes a clear connection between diversification proposals and sustainable economic growth. Rural Development Policy 3.1 of the Partnership Plan is also supportive of diversification and specifically diversification of existing land based businesses. It is therefore likely that diversification could be the driver behind a wide range of tourism or economic development proposals addressed by Policies 2.1 to 2.4 of the Proposed Plan. Diversification is not a policy criterion in those policies and no other representations have sought to introduce this concept. I am not therefore inclined to introduce this as a specific criterion under Policy 2.4.

52. Overall I agree with the National Park Authority regarding the flexibility built into this policy and the opportunities it offers for a range of economic development proposals. Importantly I find the purpose of the policy would not contradict the aim of the Partnership Plan to diversify the economy within the Park. I do not therefore find it is necessary to introduce the suggested alternative wording for this policy.

53. Rothiemurchus Estate also seeks to adjust the phrase “no adverse environmental or social impact” and the National Park Authority resists this change. However it is not currently one of the criteria in Policy 2.4 nor is it a phrase used in the supporting text. The Estate has subsequently confirmed that they wish to have the same policy test a) (set out in Policies 2.2 and 2.3) inserted into the terms of Policy 2.4. The National Park Authority has declined to comment on this change.

54. As this policy applies to other economic development proposals I find it would be reasonable to expect those proposals to be tested for a similar range of environmental or amenity impacts. I therefore propose to recommend modifying Policy 2.4 by inserting the same amended version of criterion a) applied to policies 2.2 and 2.3 (discussed above) and adjusting the list of other policy criteria accordingly.

Policy 2.5 Protecting existing economic activity and Paragraphs 4.44, 4.45 and 4.46

55. Policy 2.5 establishes a presumption that sites used, or allocated, for economic development or tourism purposes should be protected for that purpose unless there are

sound reasons why the economic development or tourism potential of the site should be lost. I therefore consider the alternative title for Policy 2.5 'Promoting economic activity' as suggested by R Locatelli and J Bremner, would be misleading.

56. I consider the protection of economic development assets is an important part of the wider purpose of Policy 2 as a whole. I therefore resist the proposal to remove the word 'only' from the phrase "will only be supported". This change would reduce the effectiveness of this important element of Policy 2 and I do not find there to be sufficient justification to do so.

Paragraphs 4.44, 4.45 and 4.46

57. For these same reasons I do not agree with the proposal to change the heading for Paragraphs 4.44 to 4.46 and there would be no reason to delete Paragraph 4.44. or to delete the word 'only' from Paragraph 4.45.

58. I have also considered the relevance of the last bullet point in Paragraph 4.45 and how this criterion would be applied. R Locatelli and J Bremner wish to remove this criterion as they believe the onus to determine whether there is an adverse impact on the local economy arising from proposals should rest with the planning authority and not the applicant. The preparation of supporting information in association with a planning application is generally the responsibility of the applicant and I can see no reason why the preparation of information relating to the effects on the local economy should be treated differently. I do not therefore propose to modify the wording in this paragraph.

59. R Locatelli and J Bremner also wish to insert a reference to 'mixed use development' within the terms of this policy. To understand the implications of this their representation provides a definition of a 'mixed use development'. Essentially it is one that includes housing with other economic development or tourism uses.

60. Having read their proposed modification and their proposed definition, I do not consider it adds anything to the scope of this policy. Any alternative development at an economic development site (that requires permission) whether it be a single use, a group of uses or the addition of a new use to an existing activity, would require to be assessed under this policy. The proposed modification would not therefore increase the likelihood that mixed use development would be approved on protected economic development sites. I do not therefore consider it is necessary to adjust the terms of the policy or Paragraph 4.45 to include a reference to 'mixed use development'.

61. I also consider the proposed definition of mixed use development to be unnecessarily restrictive as it requires any mixed use proposal to have an element of residential development. The phrase 'mixed use' could describe any proposals that include distinctly different uses normally, but not exclusively, those set out in the Town and Country Planning (Use Classes) (Scotland) Order 1997. Such proposals would then be assessed under any relevant policy triggered by the proposed uses including Policy 2.5. On that basis I consider the term 'mixed use' should be left unencumbered by a formal definition in the Proposed Plan.

**Reporter's recommendations:**

1. Modify Figure 7 Significant tourist infrastructure on Page 36 by identifying on the map the general location of the Strathspey Railway and its proposed extension as 'other

important visitor infrastructure’.

2. Modify Policy 2.1 Retail Development and high footfall generating uses on Page 32 by changing the title to “Town Centres First”

3. Modify Policy 2.1 Retail Development and high footfall generating uses on Page 32 by amending the second paragraph as follows:

“Developments should have no adverse impact on neighbouring properties and should support the vibrancy, vitality and viability of existing town centres or settlements. Exceptions to this should demonstrate social or community need for the proposal. The potential cumulative impact of similar proposals will also be taken into account.”

4. Modify Paragraphs 4.31 to 4.33 on Page 34 by changing the subheading to “Town Centres First”

5. Modify Policy 2.2 Tourist accommodation on Page 32 by inserting an additional phrase into the first sentence with the following:

“Proposals for tourist related accommodation, other than dwellings built to residential standards, will be supported where they:”

6. Modify Policy 2.2 Tourist accommodation on Page 32 by adjusting criterion a) as follows:

“a) have no adverse environmental or amenity impacts on the site or neighbouring areas.”

7. Modify Policy 2.3 Other tourism and leisure developments on Page 32 by adjusting criterion a) as follows:

“a) have no adverse environmental or amenity impacts on the site or neighbouring areas.”

8. Modify Policy 2.4 Other economic development on Page 32 by inserting a new criterion as follows:

“a) have no adverse environmental or amenity impacts on the site or neighbouring areas.”;  
and thereafter retaining the existing criteria but as items b) and c) respectively.

9. Modify the Glossary of the plan on Page 220 by inserting after the definition of Housing Association the following definition:

“Hut : A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30 square metres; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.”

<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> Timothy Brian
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>048 North East Mountain Trust (NEMT)</p> <p>050 D and S Dickie</p> <p>085 Scottish Environment Protection Agency (SEPA)</p> <p>089 Scottish Government</p> <p>104 Aviemore and Vicinity Community Council (AVCC)</p> <p>112 Scottish Natural Heritage (SNH)</p> <p>117 Paths For All</p> <p>131 Tactran</p> <p>132 Aberdeenshire Council</p> <p>135 Inveresk Community Council</p> <p>137 Woodland Trust Scotland (WTS)</p> <p>144 Mountaineering Scotland</p> <p>159 John Muir Trust</p> <p>160 NHS Grampian</p> <p>174 Scottish Land and Estates</p> <p>177 Highland Council</p> <p>178 RSPB Scotland</p> <p>179 R Turnbull</p> <p>181 Scottish Wildland Group</p> <p>182 Wildland Ltd</p> <p>183 Scottish Environment LINK</p> <p>186 Cairngorms Campaign</p> <p>187 Badenoch and Strathspey Conservation Group (BSCG)</p> <p>189 A Grant</p> <p>192 Rothiemurchus Estate</p> <p>193 Scottish Water</p> <p>194 Highlands and Islands Enterprise (HIE)</p> <p>207 Crown Estate Scotland</p>		
<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></p> <p>NHS Grampian (160) suggest the policy should reflect the positive impact good design has on health and wellbeing.</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.

#### 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).

BSCG (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

- Reinstate 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 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:**

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

1. I note the request to keep in mind the merits of straw bale construction, including low cost, heat retention and energy efficiency. Whilst it is not for the Proposed Plan to specify construction methods, all proposals will be assessed against the requirements of Policy 3, which include the expectation that developments should be resource efficient, minimise their effects on climate change, and encourage innovation in design and use of materials. There is therefore no need to modify the Proposed Plan in the light of the representation.
2. In relation to the representation by NHS Grampian, paragraph 27 of Scottish Planning Policy 2014 (SPP) makes clear that tackling health and social problems is an important part of the Government's sustainability agenda. Improving health and well-being is listed as one of the principles which should guide policies and decisions, at paragraph 29 of SPP.
3. The Proposed Plan acknowledges the health benefits of good quality open spaces and recreation provision at Paragraphs 4.101 and 4.106, but there is no mention of the connection between good design and improving health and well-being.
4. The issue of design, health and well-being is highlighted in the non-statutory Draft Design and Placemaking Supplementary Guidance (SG), which will accompany the Proposed Plan. The draft SG advises that the fundamental causes of health inequality affect the places and communities in which we live, and that where we live and where we spend our time have an important influence on our health and well-being. It also states: "How places are designed, how they evolve and how they are maintained is therefore vital to the health of the people and communities within them."
5. Given that the Proposed Plan is supposed to set the context for supplementary guidance, I consider that Policy 3.3 Sustainable Design should reference the connection between design and placemaking on the one hand, and health and well-being on the other, by adding a new criterion (I): "promote good health and well-being". I shall recommend that the Plan be modified accordingly.
6. I understand Scottish Water's concern to establish that developers will be responsible for the cost of connecting infrastructure to developments outwith their networks and supply zones, but the financial responsibility for the provision of water and sewerage is not a matter for the Proposed Plan. There is therefore no need to modify the Plan in response to this representation.

Policy 3.2 Major Developments

7. In relation to the representation by Tactran, paragraphs 286 and 287 of SPP state that a transport assessment should be carried out where a new development is likely to generate a significant increase in the number of trips, which should identify satisfactory ways of meeting sustainable transport requirements. Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car.
8. Paragraph 5.30 of National Planning Framework (NPF3) recognises that: “Reliance on the car will remain important in rural Scotland, and so providing infrastructure to facilitate greater use of low carbon fuel options, such as the ongoing installation of electric vehicle charging points across the country, will be particularly useful in reducing transport sector emissions.”
9. Although Policy 3.3 Sustainable Design of the Proposed Plan does not state that a transport assessment is required in all cases, it indicates that development proposals must be designed to promote sustainable transport methods and active travel and reduce the need to travel. Paragraph 4.60 advises that transport statements or assessments may be required to show that development proposals will not have an unacceptable adverse impact on existing transport infrastructure or services, and to determine whether any new transport infrastructure is required.
10. Overall, I consider that the Proposed Plan gives an adequate steer as to the need for potential developers to prepare a transport assessment in appropriate cases, and to identify the need for new infrastructure (which might include EV charging points, for example) and other measures to reduce car travel (which could include car sharing schemes). Therefore, no modifications are required to cover that point.

Policy 3.3 Sustainable Design

11. With regard to the representation by SEPA, I consider that the relevant terms of the Proposed Plan are consistent with the provisions of the long-term strategy for Scotland, expressed in NPF3. Policy 3.3 a) of the Proposed Plan states that all development proposals must be designed to minimise the effects of the development on climate change in terms of siting and construction and, once complete, achieve at least the minimum standard in compliance with the Building Standards Technical Handbook.
12. The Action Programme for NPF3 identifies 30 actions to deliver the priorities of the NPF3, including number 10: “We will apply building standards to improve the energy efficiency of existing and new buildings” (paragraph 6.10). That statement indicates that the Government expects the building standards to be the benchmark, though I accept that exceeding the standards would be better still.
13. I conclude that Policy 3.3 does not require to be modified in response to SEPA’s representation. A representation by the Scottish Government on a similar point is considered elsewhere in this report under Issue 12.
14. NHS Grampian raise an important point about the need for new homes to be adaptable, and to ‘future proof’ houses to provide a ‘home for life’, so that residents can remain in their homes as they become older or have to cope with disability.

15. Policy 3.1 requires developments to meet the six qualities of successful places set out in SPP paragraphs 41-46, one of which is to be adaptable. This point is developed in the Draft Design and Placemaking SG, which advises that adaptability in new developments can be achieved by integrating adaptability within the early stages of the house design process, and that homes need to be capable of meeting the evolving needs of their occupants, including making adjustments to cope with infirmity or disability.

16. I consider that the Draft SG satisfactorily addresses the issue raised by NHS Grampian, and hence that there is no requirement to modify Policy 3.3 of the Proposed Plan as suggested.

17. I agree with the National Park Authority that there is no justification in removing the reference to climate change from the policy, as suggested on behalf of Wildland Ltd. Policy 3.3 a) states that all development proposals must be designed to minimise the effects of climate change in terms of siting and construction. This approach is entirely consistent with Scottish Government policy outlined in SPP to reduce our carbon emissions and use resources more efficiently. Paragraph 154 of SPP indicates that the planning system should help to reduce emissions and energy use in new buildings.

#### Policy 3.5: Converting existing building stock

18. In respect of the representation by SEPA, Policy 3.5 states that converting existing building stock will be considered favourably, subject to two criteria neither of which relate to flood risk. I appreciate that planning applications will be assessed against all relevant parts of the Proposed Plan. Below I discuss SEPA's representation about Policy 10.2 Flooding, within which part a) indicates that all development should be free from medium to high risk of flooding from all sources taking into account predicted impacts of climate change.

19. My understanding is that SEPA is seeking a more stringent test, to ensure that the proposed new use is no more vulnerable to flood risk than the existing one. Neither Policy 3.5 or Policy 10.2 distinguishes between different types of use, and their relative vulnerability to flooding. SEPA's Flood risk and land use vulnerability guidance classifies land uses on that basis, and places buildings used for dwelling houses in the category of 'highly vulnerable uses', whereas offices, general industry, and agriculture and forestry are defined as 'least vulnerable uses'.

20. I appreciate that SEPA's guidance is non-statutory, but the above categorisation appears to be generally consistent with the advice in paragraph 263 of SPP that 'medium to high risk' (i.e. a risk greater than 0.5%) is generally not suitable for the most vulnerable uses, or additional development in undeveloped and sparsely developed areas. I therefore agree with SEPA that an additional criterion should be attached to Policy 3.5: "and does not introduce a more vulnerable use in terms of flood risk", and I shall recommend a modification to that effect.

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

21. With regard to the representation by the North East Mountain Trust (NEMT), I note that 'mitigation' is defined in Paragraph 4.66 of the Proposed Plan as "the undertaking of measures to prevent or reduce to an acceptable level, the impact of a development." The term is not mentioned in Policy 4.1 International designations, Policy 4.2 National designations, Policy 4.4 Protected species, or the first part of Policy 4.5 Other biodiversity

which deals with the Habitats and Birds Directives, where the policy tests stem from the relevant legislation.

22. However, the second part of Policy 4.5 refers to the need to avoid, minimise or compensate any harm to habitats and species identified in the Cairngorms Nature Action Plan, UK Biodiversity Action Plan, Birds of Conservation Concern or on the Scottish Biodiversity List. Policy 4.3 Woodlands expects ‘compensation’, defined at Paragraph 4.66 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”, in cases of woodland removal.

23. More widely, Policy 4.6 All development requires developers to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate potential adverse effects by development on protected or priority habitat or species on or adjacent to a site. The latter provision acknowledges that developments can have impacts outwith the development site, and that appropriate measures may need to be taken to avoid, reduce or mitigate those impacts.

24. I am therefore satisfied that Policy 4, and the supporting paragraphs in the Proposed Plan, address the need for mitigation (and on occasion, compensation) to prevent or reduce (or, where appropriate, compensate for) any adverse effects on natural heritage as result of development.

25. I can understand NEMT’s suggestion that Policy 4 should refer to climate change, because of the reduced resilience of habitats and species to development as result of climate change. The National Park Authority points out that all development proposals are assessed against Policy 3: Design and Placemaking, including Policy 3.3 Sustainable design of which part a) requires proposals to be designed to minimise the effects of development on climate change.

26. However, I think NEMT is making a different point here, about the capacity of habitats and species to cope with development as a result of climate change, but I am satisfied that this concern could be considered within the terms of the policy as drafted when assessing the impact on habitats and species.

27. I note that the National Park Authority has no objection to SNH’s proposal to replace the references to ‘Natura’, ‘Natura 2000’ and ‘Natura sites’ with ‘European sites’, so that the terminology aligns with domestic legislation after the UK leaves the EU, and I propose to recommend accordingly.

28. In relation to the representation by Paths for All, I see nothing in this policy which would place responsible recreational access under threat. Indeed, criterion h) of Policy 3.3 Sustainable Design expects all developments to be designed to “maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan”.

29. Scottish Wildland Group suggests that Policy 4, or the glossary, should specifically address the potential conflict of interest between the statutory aims of protecting natural heritage on the one hand, and promoting public enjoyment and (sustainable economic and social) development on the other. However, I consider that Policy 4 sets out appropriate criteria to assess the potential effects of development on natural heritage, including international and national designations, woodlands, protected species and other

biodiversity, and to enable adverse impacts to be balanced against benefits.

30. In any case, the introduction to the Proposed Plan contains a clear statement of the four statutory aims of Scotland's National Parks, and the particular importance of the first aim "to conserve and enhance the natural and cultural heritage of the area". Therefore, I can see no need to modify Policy 4 as suggested.

31. Nor do I consider it necessary to place the term 'species protection plan' (or 'habitat protection plan') in upper case, as suggested by Scottish Wildland Group, as the phrases are generic and do not refer to the name of a particular protection plan (which would be identified with capital letters).

32. In relation to the request by Wildland Ltd, I consider that the terms of Policy 4 are consistent with the approach adopted in Scottish Planning Policy. For example, development that would adversely affect the national park, an SSSI, national nature reserve or national scenic area will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance.

33. I see no reason to strengthen the policy to introduce a formal presumption against developments which could significantly harm natural heritage interests, as those interests are already safeguarded by the provisions of Policy 4 (and associated policies) and the supporting text.

34. I can understand BSCG's concern to ensure that developers provide specific, detailed information to allow a proper assessment of the impacts of the proposal on natural heritage, but the detailed requirements will vary between sites, and I cannot envisage a modification to Policy 4 which would cater for the range of circumstances encountered.

35. I note that Policy 4.6 requires developers "to undertake a focused survey of the area's natural environment to assess the effect of the development on it and to submit a species/habitats protection plan where necessary". I conclude that this is sufficient, and that no modification is required in response to BSCG's representation on that point.

36. I also agree with the National Park Authority that there is no justification for a further, second tier of conservation sites across the National Park, when around 55% of the Park is already designated for natural heritage purposes, and Policy 4 includes protection for woodlands, protected species and other biodiversity.

#### Policy 4.1 International designations

37. Paragraph 208 of SPP advises that a derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if three tests are met. The third test is that: "compensatory measures are provided to ensure that the overall coherence of the Natura network is protected."

38. Policy 4.1 of the Proposed Plan contains the first two tests, but not the third one, and hence requires to be modified as recommended by the Scottish Government.

39. The National Park Authority has no objection to the modification at the end of Policy 4.1 proposed by Scottish Natural Heritage, which aims to ensure that the policy

complies with domestic legislation after the UK leaves the EU. I consider that a modification is appropriate to reflect that change, and propose to recommend accordingly.

40. The statutory aims of the National Park are discussed within Issues 1 and 2, and elsewhere in this Issue. Policy 4.1 International designations needs to reflect the terms of the relevant legislation which stipulates how to deal with development proposals likely to have a significant effect on European sites – notably the Habitats and Birds Directives, and the Habitats Regulations 1994. With the modifications proposed above the policy does comply with those requirements and with the parallel terms of Scottish Planning Policy, so I do not consider that Policy 4.1 should be amended as suggested by AVCC.

41. I see no need to make specific reference to the Birds and Habitats Directives within Policy 4.1 (or Policy 4.2 below), since the policy already incorporates their relevant requirements which, in any case, are likely to be incorporated in domestic legislation after the UK leaves the EU.

42. As I have explained above, I am satisfied that Policy 4.1 (subject to the proposed modifications) is consistent with national policy and legislative requirements which apply to international natural heritage designations, and should not be modified as suggested by BSCG.

#### Policy 4.2 National designations

43. Policy 4.2 is consistent with Paragraph 212 of SPP, which (as already stated above) indicates that development affecting a national park, national scenic area, SSSI or national nature reserve should only be permitted where the objectives of designation and the overall integrity of the area will not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

44. I do not consider it necessary for Policy 4.2 to refer to the statutory aims of National Parks, as suggested by NEMT, as they are addressed elsewhere in the Proposed Plan at Paragraphs 1.5 and 1.6.

45. The comments by Mountaineering Scotland about the practical limitations of mitigation are well made, but do not require any modification of Policy 4.2.

46. In relation to wild land, I note that Table 1 of SPP, which concerns spatial frameworks for wind farm developments, makes the distinction between national designations and “other nationally important mapped environmental interests” including wild land areas. Therefore, I consider that it would be inappropriate to add wild land areas to the list of national natural heritage designations protected by Policy 4.2.

47. In any case, the wild land areas covering the Cairngorms National Park are identified in Figure 9 of the Proposed Plan, and wildness is highlighted as one of the special landscape qualities of the Cairngorms National Park which are to be conserved under Policy 5.1 of the Proposed Plan. I conclude that no modification is required in response to the request on the matter by John Muir Trust.

48. I do not agree with BSCG that the compensation requirements in Policy 4.2 would result in the degradation and loss of natural heritage, as they require the provision of features of equivalent value or better, which I regard as an appropriately high bar to

surmount.

### Policy 4.3 Woodlands

49. At first sight I can appreciate why NEMT and Woodland Trust Scotland consider that there is a contradiction between the terms of Policy 4.3 and the accompanying Paragraph 4.67, in relation to ancient woodlands. Paragraph 4.67 explains that: “Ancient woodlands have high biodiversity value, not just because of the trees, but for the soil structure and diversity of flora created over time. Once ancient woodland has been destroyed, it cannot be recreated.”

50. In contrast, Policy 4.3 states that in the exceptional circumstances where Ancient Woodland Inventory site removal is deemed acceptable, compensation for such loss will be mandatory.

51. However, my reading of the policy is that it is very rare that any such removal will be acceptable, and even in those unusual circumstances compensatory planting would be required in line with the Scottish Government’s Policy on the Control of Woodland Removal. This compensatory planting would not be able to replace the quality and diversity of ancient woodland, but it is a necessary form of mitigation in all cases where woodland is removed.

52. I agree with Woodland Trust Scotland that compensatory planting where any ancient woodland is lost should include native species, and propose to recommend a modification to the terms of Policy 4.3 to that effect.

53. Not every part of every ancient woodland will have the same ecological interest, and it would be up to the developer to demonstrate (or otherwise) if a particular site has a low ecological value. However, it will be for the planning authority, advised by expert consultees such as SNH, to evaluate the evidence supplied by the developer and ultimately to determine the ecological value of the site, and whether the need and justification for the development outweighs the contribution of the woodland.

54. I do not see the need to modify the Proposed Plan in the light of the NEMT comments therefore.

55. SPP, which does not refer to the Ancient Woodland Inventory (AWI), states that ‘ancient semi-natural woodland’ is an irreplaceable resource which should be protected from adverse impacts resulting from development. The Scottish Forestry Strategy contains a similar sentiment.

56. SNH’s “guide to understanding the Scottish Ancient Woodland Inventory” explains that the AWI is a provisional guide to the location of ancient woodland. The AWI was derived from the Roy maps (c1750) and the OS first edition (c1860), but it is not definitive and should be used with care. SNH’s guide advises that: “Woods not shown on the AWI, but present on the historic maps, are likely to be ancient and should be treated as such unless evidence is available to the contrary.” Woodland Trust Scotland has identified examples of ancient woodland sites within Cairngorms National Park which are not recorded on the inventory.

57. Given that the AWI is provisional and not definitive, and that not all ancient woodlands are identified in the inventory, I propose to recommend that Policy 4.3 should refer to

“ancient semi-natural woodland, including sites in the Ancient Woodland Inventory”. This would bring the policy into line with SPP and SNH guidance.

58. However, it is not necessary to insert a further statement in the policy to highlight the value and irreplaceable nature of ancient woodland, as Policy 4.3 already indicates that ancient woodland sites “are considered as an irreplaceable resource”. The policy imposes a strong presumption against the removal of ancient woodland sites, and provides that loss of ancient woodland will only be permitted in exceptional circumstances, which are specified in the policy.

59. An absolute embargo on any further loss of ancient woodland would be unrealistic in my view, as there may be rare occasions where it is impossible for certain national infrastructure projects, for example, to avoid any impact on natural heritage resources, including ancient woodland. I therefore do not propose to recommend a modification to the Proposed Plan in that regard.

60. I agree with the National Park Authority that it would be difficult to include a requirement within the policy for a specific buffer between developments and ancient woodland, because the appropriate separation distance will vary from site to site. The nature of the buffering (and structure planting) required on each site is a detailed matter to be decided on a case by case basis within the site allocations and in response to planning applications.

61. However, Paragraph 4.67 of the Proposed Plan which is cited by the National Park Authority contains an important policy provision – the requirement to comply with the Scottish Government’s Policy on the Control of Woodland Removal – that I consider should be included in Policy 4.3. I propose to recommend that the first sentence of the policy be modified accordingly.

62. I note that R Turnbull considers that paragraphs a) and b) of Policy 4.3 are in conflict with SPP paragraph 194 which states that ancient semi-natural woodland should be protected and enhanced as an important and irreplaceable resource. The representation maintains that it would be wrong to have a lower standard of protection in the Cairngorms National Park than elsewhere in Scotland.

63. However, Policy 4.3 contains a strong presumption against the removal of AWI sites, which is consistent with the aim of SPP to protect ancient semi-natural woodland from adverse impacts resulting from development. As stated above, I do not consider that it would be realistic to impose an absolute prohibition preventing any development affecting ancient semi-natural woodland. The policy acknowledges that there may be exceptional circumstances where the need for a national project, for example, might be judged to outweigh the desire to protect every part of the affected woodland, or where the area affected does not have significant ecological interest.

64. I conclude that the policy is consistent with the relevant provisions of SPP, and the Scottish Government’s Policy on Control of Woodland Removal. For the same reasons, I do not consider that Policy 4.3, when read together with Paragraph 4.67 and the other provisions of the Proposed Plan, is in conflict with IUCN’s high-level management guidelines for Category V Protected Areas, including national parks.

65. I see no need to make a further reference to natural heritage within Policy 4.3 as suggested by BSCG. Policy 4.3 is one of six sub-policies within Policy 4 Natural Heritage,

which address the various topics including woodlands, protected species, etc.

66. The representation by A Grant seeks to revise Policy 4.3, so that it would encourage development in woodland of lower ecological value, non-native species and coniferous plantations, since “coniferous plantations make a minimal contribution to the areas’ diversity in comparison to locally scarce arable habitats”. The representation points out that trees screen or hide buildings and roads, and suggests that development in forested areas would enhance landscape character and the special qualities of the National Park. A Grant proposes that sub-paragraph b) be replaced with a general presumption against the development of woodland with a higher ecological value only.

67. I acknowledge that areas of commercial coniferous forestry often contain little ecological interest, and that trees can be successfully employed to screen or hide development and thereby minimise or reduce its impact on landscape character.

68. However, sub-paragraph b) concerns the removal of ancient woodland sites, which SPP identifies as an irreplaceable resource to be protected and enhanced. I consider that Policy 4.3 strikes the right balance in imposing a strong presumption against the removal of ancient woodland sites, whilst allowing for development in certain exceptional circumstances. Any relaxation of this requirement would potentially place the policy in conflict with the relevant provisions of SPP and the Scottish Government Policy on Control of Woodland Removal.

69. More generally, the more permissive terms suggested by A Grant would run contrary to the presumption in favour of protecting woodland set out in the Control of Woodland Removal Policy, and paragraph 218 of SPP which states that removal should only be permitted where it would achieve significant and clearly defined public benefits. I therefore do not consider that the policy requires to be modified in response to this representation.

#### Policy 4.4 Protected Species

70. With reference to RSPB Scotland’s comment about Policies 4.4 and 4.5, I accept the National Park Authority’s statement that the term ‘significant adverse effect’ embraces direct, indirect and cumulative effects. Paragraph 4.68 advises that the “policy will be applied to ensure that the effects of development proposals on protected or priority species, including any cumulative impacts, are fully considered by the planning authority”. I conclude that there is no need to insert the phrase ‘including any cumulative impacts’ in either policy.

71. BSCG are concerned that Policy 4.4 does not provide adequate protection for species that are special features of the National Park. BSCG cannot envisage any development for which “there is no satisfactory alternative solution” in terms of sub-paragraph b), and suggest that this provision should only apply where the development cannot be sited outwith the National Park.

72. However, criterion b) should not be considered in isolation, because it is only one of three stringent requirements all of which need to be satisfied. For example, in addition to criterion b), development that would have a significant adverse effect on any European Protected Species will not be permitted under Policy 4.4 unless the developer can demonstrate that there are imperative reasons of overriding public interest (criterion a), and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (criterion c).

73. I conclude that the policy criteria provide adequate protection for protected species. I do not share BSCG's anxiety that sub-paragraph c) will lead to a 'best guess' approach. Paragraph 4.68 explains that developers will be required to undertake any necessary surveys for protected or priority species at their own cost, to the satisfaction of SNH and the National Park Authority, and where protected species are potentially affected a species protection plan should be produced, demonstrating how any licensing tests (set out in relevant legislation) would be passed. A similar point arises in relation to Policy 4.5.

74. I can find no basis in policy or legislation only to allow development which could not be carried out outwith the National Park in these circumstances.

75. Consequently, I see no need to modify the criteria in the light of the BSCG representation.

#### Policy 4.5 Other biodiversity

76. I note that the National Park Authority agrees to the modification recommended by SNH, which would bring the policy into line with domestic legislation after the UK leaves the EU, and I propose to recommend that the Proposed Plan adopts SNH's wording on the matter.

77. I do not consider that there is a need to refer to ancient woodland within Policy 4.5, as suggested by the Woodland Trust Scotland, since the appropriate safeguards for ancient woodland are already built into Policy 4.3 Woodlands.

78. I appreciate the concern expressed by BSCG about the limited information available on impacts throughout the natural range of individual species, but I am satisfied that the policy and the supporting text provide sufficient guidance on how to deal with proposals which could impact adversely on protected or priority species, including the key role of SNH. I do not propose to recommend a further modification to Policy 4.5 therefore.

#### Policy 4.6 All development

79. RSPB Scotland is right to highlight the requirement in paragraph 194 of Scottish Planning Policy for the planning system to seek benefits for biodiversity from new development where possible. This objective is already served within Policy 3.3 Sustainable Design, where item k) requires development proposals to be designed to create opportunities for further biodiversity and promote ecological interest. There is therefore no need to modify Policy 4.6 to incorporate this requirement.

80. The mitigation hierarchy described by RSPB Scotland is not mentioned in Scottish Planning Policy, but is commended in guidance on Environmental Impact Assessment and ecological impact assessment. As such, the mitigation hierarchy can be regarded as an approach to EIA, rather than a planning policy. I do not consider that Policy 4.6 should be modified to require development proposals to follow the mitigation hierarchy.

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

81. I do not consider that it is necessary to include a definition of 'active management' in the glossary, or to give examples of successful active management, as that would be at odds with the format of the Proposed Plan. In any case, examples of recent good practice

would rapidly become out of date.

#### Paragraph 4.63

82. I note that BSCG has no confidence in this paragraph, which states that the “policy will ensure that development conserves and enhances the outstanding natural heritage of the Cairngorms National Park. It offers the necessary level of protection from adverse development and enables enhancement.” However, as discussed above, I am satisfied that Policy 4 applies the appropriate level of protection to designated natural heritage sites, protected species, woodlands and wider biodiversity in the National Park. It is significant that SNH, the statutory consultee on natural heritage matters, does not share BSCG’s concern on the matter.

#### Paragraph 4.66 – Mitigation

83. NEMT raises an important point about mitigation in their comments on Paragraph 4.66. The paragraph as drafted appears to apply only to designated sites, whereas mitigation may be required where there is a potential impact on natural heritage outwith a designated site. The National Park Authority confirms that the paragraph is intended to apply to all sites, and proposes an alternative form of words to resolve this confusion, which I propose to recommend that the Plan should adopt.

84. The reference to ‘equal quality’ relates to ‘compensation’, which is defined in Paragraph 4.66 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”. NEMT suggests that a higher benchmark of ‘net environmental gain/benefit’ should be applied.

85. I accept the National Park Authority’s point that net environmental gain may not be achievable in all cases, and that the scope for environmental benefit will depend on the scale and nature of the development and the type of natural heritage affected. I also acknowledge that Policy 3.3 k) expects all development proposals to be designed to create opportunities for further biodiversity and promote ecological interest.

86. However, the reference to ‘equal quality’ in Paragraph 4.66 appears to be out of step with the requirement for ‘features of equal or greater importance’ in Policy 4.2 National designations, though it corresponds with the requirement to create ‘new habitats of equal nature conservation value’ in Policy 4.5 Biodiversity. I consider that the matter could be resolved by amending the wording in Paragraph 4.66 to refer to ‘equal or higher quality’, and I propose to recommend that the Proposed Plan be modified accordingly.

#### Paragraph 4.68 – Protected Species

87. As already stated above, I appreciate the concern expressed by BSCG about the limited information available on impacts throughout the natural range of individual species, but I am satisfied that the supporting text provides sufficient guidance on how to deal with proposals which could impact adversely on protected or priority species, and the key role of SNH. Therefore, I consider that there is no need to modify this paragraph.

#### Policy 5: Landscape – General Comments

88. I agree with the John Muir Trust that the Proposed Plan needs to contain a clearer statement of the significance and status of wild land areas which were identified by SNH in

2014.

89. Policy 5.1 refers to ‘wildness’ as one of the special qualities of the Cairngorms National Park, and Paragraph 4.70 advises that the experience of large-scale wildness in the National Park is particularly distinctive in the UK. Paragraphs 4.78 and 4.79 highlight the importance of the impact of development on wildness. However, there is no reference to wild land areas in the policy or the supporting paragraphs, beyond Figure 9 which illustrates their extent within the National Park.

90. The National Park Authority’s suggestion (which I intend to recommend as a modification to the Plan) of including a definition of ‘wild land areas’ in the glossary of the Proposed Plan is helpful, but I consider that there is still a need to refer to them in the text to clarify how Policy 5 intends to safeguard them. I therefore propose to recommend the following addition at the end of Paragraph 4.70:

“Almost half of the National Park falls within wild land areas identified in the 2014 SNH map of wild land areas. This policy intends to safeguard the character of those identified wild land areas and more widely the quality of wildness within the National Park.”

91. I do not share Wildland Ltd’s concern that the Proposed Plan is an urban land use plan rather than a plan for the whole National Park. It is a local development plan, which sets out the strategy for new development, identifies sites and proposals for development, and devises policies to help determine planning applications.

92. In contrast, the Cairngorms National Park Partnership Plan has a wider role as the management plan for the National Park, where issues such as re-wilding would need to be pursued. I note that the Partnership Plan makes reference to a collaboration between Wildland Ltd, RSPB Scotland, Forest Enterprise Scotland and SNH to achieve ecological enhancement, including expansion of native woodland to its natural extent, across an area of 60,000 hectares within the National Park.

93. I do not accept Wildland Ltd’s contention that Policy 5 fails to reflect the importance of landscape to the National Park. The supporting text, including Paragraphs 4.70-4.72, highlights the special character of the Cairngorms National Park, and Paragraph 4.78 states that the “diverse and spectacular landscapes are one of the National Park’s key assets and the distinctive character of the landscape is one of the reasons for the creation of the National Park.”

94. The Proposed Plan contains a suite of policies to protect natural heritage and landscape, including Policy 5, which includes a presumption against any development that does not conserve or enhance the landscape character and special qualities of the National Park. The policy sets an appropriately high bar for any development which does not complement or enhance the landscape character of the National Park and the setting of the development.

95. In doing so, it is consistent with the relevant provisions of SPP which states that development that affects a National Park should only be permitted where “the objectives of designation and the overall integrity of the area will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”

96. The latter provision is incorporated within Policy 5.1 Special Landscape Qualities. The Proposed Local Development Plan is not entitled to impose a higher test for

development in a National Park than is set in Scottish Planning Policy.

97. Consequently, I am satisfied that Policy 5 adequately recognises the need to respect the special character and significance of the landscape in the National Park, and that the Proposed Plan fulfils its role as a local development plan which requires to conform to the Partnership Plan.

98. Accordingly, I do not propose to recommend a modification to the Proposed Plan in response to the representations by Wildland Ltd or BSCG (who are concerned that proposals may be accepted on the grounds of social and economic benefits). There is no policy basis for requiring developers to consider alternative locations outwith the National Park.

#### Policy 5.1 Special Landscape Qualities

99. In relation to the representation by R Turnbull, I do not see the need to insert a reference to 'cumulative impact' within items a) and b) of Policy 5.1, as Paragraph 4.79 already makes clear that new development will be assessed to consider the cumulative impact on the special qualities of the landscape and the sense of wildness.

100. Wildland Ltd suggests that Policy 5.1 should be strengthened by requiring development to conserve and enhance the landscape character and special landscape qualities of the National Park, and by replacing the criteria in a) and b) with more precise impact-based tests.

101. However, I agree with the National Park Authority that it would be unreasonable and unrealistic to require each individual development in the National Park to positively enhance landscape character and special landscape qualities. Paragraph 212 of SPP indicates that development should only be permitted within national designations including National Parks where the objectives of designation and the overall integrity of the area will not be compromised, which are different tests.

102. I can find no basis in planning policy for the test which Wildland Ltd seeks to apply; nor do I see the value or justification for substituting impact-based tests for the provisos set out in a) and b). Therefore, I do not propose to recommend a modification to the policy as suggested.

#### Policy 5.2: Private roads and ways

103. This policy is foreshadowed in the National Park Partnership Plan. One of the items within its agenda for action (Page 36) is: "Minimising landscape impacts through a presumption against new constructed tracks in open moorland." Policy 1.3, which forms part of the conservation policy framework of the Partnership Plan, repeats that presumption.

104. This reflects a wide concern that has been expressed by a number of organisations, including John Muir Trust, Mountaineering Scotland, Scottish Environment Link and Scottish Wildland Group, about the impact of new vehicle tracks on the landscape character, habitats and special qualities (including wildness) of open moorland in the National Park.

105. Scottish Land and Estates point out that the provision of tracks enables people of all abilities to access upland areas with relative ease, and are vital for the Mountain Rescue

services to carry out their work. They give access to farming, forestry, hydro schemes, wind turbines and quarries, etc. which provide vital employment and resources in fragile rural communities, and their use by walkers and cyclists helps to avoid damage to delicate habitats.

106. Some of the representations refer to the increasing damage caused in open moorland by all-terrain vehicles (ATVs). However, ATVs are not the only issue here, and I see no need to make specific reference to ATVs in Policy 5.2, as suggested by Scottish Wildland Group, providing it contains the appropriate policy framework to address the issue. Paragraphs 4.73-4.76 already explain the background to the policy.

107. Scottish Land and Estates and Crown Estate Scotland contend that the policy approach proposed in Policy 5.2 represents an over-reaction to the concern about hill tracks, and that the blanket requirement to remove other existing roads and ways is not necessary, proportionate or capable of being implemented. The track to be removed may be well designed and permitted, or may lie outwith the control of the applicant.

108. Nonetheless, I can understand the desire of the organisations which wish to restrict the development of new vehicle tracks in open moorland to ensure that they are only permitted when they are strictly necessary. Paragraph 4.76 appears to support that contention, as it starts with the presumption against new tracks, and then acknowledges that there will be some particular instances when they may be required for legitimate land management reasons.

109. I consider that the Policy should reflect that approach, by requiring all applicants to demonstrate why their proposed track is essential for land management purposes (including windfarms, telecommunications masts or hydro schemes). That stance is consistent with SNH's good practice guidance on constructing tracks in the Scottish Uplands (section 2.1.2): "Tracks should only be constructed where absolutely required, where there is no better alternative, and where the natural heritage impacts can be minimised." Elsewhere the guidance (page 6) states that: "Where impacts are unacceptable and no alternatives exist, a proposed track should not be constructed."

110. With regard to the point made by Scottish Land and Estates and others, I see no need to reference the SNH guidance within Policy 5.2, providing the policy is consistent with the principles promoted in that document. It is sufficient that Paragraph 4.82 confirms that proposals "should follow the good practice guidance produced by Scottish Natural Heritage on constructing tracks in the Scottish Uplands." With that link in place, there is no requirement for Policy 5.2 to include detailed criteria or design and construction guidance, as suggested by Wildland Ltd and others.

111. There is some concern that the Proposed Plan is diluting the presumption against new tracks in open moorland which is laid down in the National Park Partnership Plan. However, Paragraphs 4.76 and 4.82 of the Proposed Plan are in similar terms to the Partnership Plan, so to maintain internal consistency and accord with the Partnership Plan I conclude that Policy 5.2 should explicitly maintain that presumption. With that wording in place, I can see no need to refer to 'exceptional circumstances'. I consider that it would be more fruitful to specify the very limited circumstances when tracks may be permissible.

112. I can appreciate the anxiety of John Muir Trust, Mountaineering Scotland and others that the policy as drafted could enable the damage caused by a proliferation of informal ATV tracks to justify the construction of a new track where none existed. However, I am

satisfied that if the policy is re-cast to confirm that there is a presumption against new tracks unless they can be demonstrated to be essential, and to make clear that the reference to a 'programme of works' only applies in appropriate cases, that concern should be overcome.

113. The revised wording would also allow for the fact that in some cases there will be no existing track to remove, as pointed out by Scottish Land and Estates, and that in others removal might be more damaging than letting nature take its course.

114. I also propose to recommend that the relevant criteria of the policy as drafted are modified to require that new tracks will not adversely affect any of the special qualities of the National Park including wildness, so that the impact on wildness qualities (which include remoteness) would be properly taken into account. This revised wording closely mirrors the suggestion made by Scottish Wildland Group.

115. The question raised by BSCG about the impact of intensive moorland management on climate change is a wider issue outwith the scope of this local development plan.

116. In summary, I propose to recommend that Policy 5.2 be modified to clarify that any new tracks must be essential for land management purposes and should not adversely affect any of the special qualities of the National Park including wildness, and that removal of existing tracks should only be considered where appropriate.

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

117. Given that Policy 5.1 Special Landscape Qualities already cites wildness as one of the special qualities which should be protected, I see no need to repeat the point within the explanatory Paragraph 4.72, as suggested by John Muir Trust.

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

118. The National Park Authority acknowledges that the word 'impact' is missing after the word 'significant' in the second sentence of this paragraph. I propose to remedy that omission in the recommended modification below, but not to add the word 'adverse' as that depends on the siting, design and construction of the track concerned.

119. In relation to the representation by NEMT, I do not see the necessity to refer to 'borrow pits' within Paragraph 4.74, as where this issue arises it should be covered within the consideration of any planning application for vehicle tracks.

120. However, I can see the argument for re-phrasing the last sentence of Paragraph 4.74 to reflect the thrust of Policy 5.2 as modified: "Where they are shown to be essential for land management purposes, well designed and constructed tracks should still minimise landscape impacts and damage to habitats." I shall recommend accordingly.

#### Paragraph 4.75

121. Contrary to the representation from Scottish Wildland Group, I do not consider that this paragraph needs to be altered to clarify that planning permission is required for new tracks for any purpose other than forestry or agriculture, since that is already evident from the existing wording.

Paragraph 4.76 – New hill tracks

122. The concerns about ATVs raised by Mountaineering Scotland and North East Mountain Trust are addressed in the discussion on Policy 5.2 above.

123. I can understand the contention of John Muir Trust, Scottish Wildland Group and Scottish Environment LINK that the second sentence of Paragraph 4.76 does not fully reflect the presumption against new vehicle tracks which is set out in Policy 5.2. I consider that this could be resolved by changing the word ‘inevitable’ to ‘likely’, and the word ‘desired’ to ‘required’, which would ensure consistency but still allow for the circumstances when a new track might be essential and justifiable. I shall recommend accordingly.

Paragraph 4.79 and 4.82 – Wild Land Assessments

124. Although neither paragraph makes specific reference to the requirement to carry out a wild land assessment, Paragraph 4.79 states that all proposals will be assessed for their impact on the character of the landscape, the sense of wildness and the special landscape qualities, and Paragraph 4.82 again looks to enhance the National Park’s special landscape qualities (which include wildness). There is no need, therefore, to modify these paragraphs in response to the representations by John Muir Trust and Scottish Environment LINK.

Policy 9.1: Listed Buildings

125. With regard to the representation by Scottish Land and Estates about partial demolition of listed buildings, I do not see the need to modify the wording of Policy 9.1 which is consistent with national guidance. However, I consider that it would be helpful to clarify in the supporting text that partial demolition may be acceptable in certain limited circumstances – a point which the National Park Authority accepts.

126. To that end, I propose to recommend that an additional sentence is inserted after the first sentence of Paragraph 4.118 to bring it in line with Historic Environment Scotland (HES) guidance: “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.”

127. I also agree that Policy 9.1 should refer to HES’s relevant guidance, and I propose to recommend the adoption of the National Park Authority’s suggested wording which achieves that objective.

128. However, I do not share Highland Council’s concern that Policy 9.1 as drafted could make it appear easier to demolish a listed building than intended. The policy makes clear that there is a presumption against demolition, and itemises the supporting information which would be required to justify any proposal to demolish a listed building. I am satisfied that those criteria align with HES’s detailed guidance on the demolition of listed buildings, and can see no justification in removing them from the policy. To do so would render the policy less (rather than more) robust in its provisions on demolition.

Policy 9.2 Cultural and historic designations

129. I note that the National Park Authority accepts the Scottish Government’s suggested amendment to Policy 9.2, which would explain the consenting process and bring it into line

with Paragraph 145 of SPP. I propose to recommend a modification to Policy 9.2 to that effect.

#### Paragraph 4.115 Applying the policy

130. Unlike NEMT I see no contradiction between the general aim to preserve and enhance cultural heritage assets expressed in Paragraph 4.116, and the recognition in Paragraph 4.117 that enhancement may not always be possible.

#### Other Cultural Heritage Matters

131. The concern raised by D and S Dickie about the loss of character in the National Park from inappropriate development does not directly relate to Policy 9: Cultural Heritage. The issue is dealt with elsewhere in Policy 3: Design and Placemaking. Policy 3.3: Sustainable Design requires all development proposals to be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, and to use materials to complement the setting of development.

132. I do not consider that the Proposed Plan should specify the appropriate height of new development, as this is likely to vary depending on the surroundings. Such details will be a matter for supplementary guidance.

#### Policy 10: Resources – General comments

133. The management of radon gas is not a matter for the Proposed Plan. Measures to prevent excessive levels of radon gas from entering dwellings are set out in the Building Standards Technical Handbook and in relevant publications by the Buildings Research Establishment.

134. With regard to the comment by SEPA, I note that the equivalent policy in the extant local development plan was not accompanied by supplementary guidance. The action programme for the Proposed Plan indicates that planning advice will be prepared where needed, which appears to be the right approach. SEPA will doubtless play a key role in that process. No modifications are required to the Proposed Plan in response to these representations.

#### Policy 10.1 Water resources

135. In relation to the representation by NEMT, the principle of integrated catchment management is now well appreciated, but it is an issue more within the compass of the National Park Partnership Plan than the Proposed Local Development Plan. For example, Policy 1.2, within the Conservation policy framework of the Partnership Plan, seeks to enhance the resilience of land use to climate change, with a particular focus on “collaborating on land use and flood management, including natural flood management, through river catchment management plans”, amongst other measures.

136. I conclude that there is no need to modify the Proposed Plan in response to this representation.

137. SEPA points out that the SuDS Manual referred to in Policy 10.1b) relates to surface water, not foul water. I therefore propose to recommend that SEPA’s suggested modification to this paragraph be adopted to clarify the matter.

138. I also agree with SEPA that, in the absence of a specific policy on blue/green infrastructure in the Proposed Plan, Policy 10.1 should include a reference to sustainable placemaking. I propose to recommend that Policy 10.1 be modified accordingly.

139. I note that Scottish Water welcomes the emphasis of the policy on the management of surface water, and asks that readers be directed to its Surface Water Policy document, to emphasise this point. I agree with the National Park Authority that it would be helpful to add wording to that effect at the end of Paragraph 4.135, and I propose to recommend a modification accordingly.

#### Policy 10.2 Flooding

140. NEMT suggests that Policy 10.2 should refer to the principles of natural flood management in SEPA's Natural Flood Management Handbook, and to the advantages of careful management of land at the catchment level. The Flood Risk Plan for Speyside 2016 states that areas of land that may contribute to flood management should be identified and protected.

141. Paragraph 262 of Scottish Planning Policy indicates that: "Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management...". This reflects the shift in focus from traditional approaches to flood management such as flood walls to a more integrated approach, managing land and water throughout the river system and recognising that activities in one part of the catchment can influence flooding elsewhere.

142. I agree with NEMT that the Proposed Plan should refer to these natural flood management principles. I therefore propose to recommend the insertion of an additional sentence at the start of Paragraph 4.139 to cover that point, and to reflect the advice in paragraph 256 of SPP. However, I do not consider that the policy needs to refer to relevant standards, guidance or best practice, which are principally a matter for SEPA. The use of terms such as 'appropriate' and 'significant' in the relevant section of SPP indicates that the application of Policy 10.2, in common with other policies in the Proposed Plan, requires judgement depending on the circumstances of the case.

143. With regard to the representation by Aberdeenshire Council, although the policy does not define 'low', 'medium' and 'high' flood risk, the terms are satisfactorily explained in the supporting Paragraph 4.139. Similarly, Paragraph 1.140 refers to SEPA's flood risk maps.

144. I do not consider that it is necessary to mention the Flood Risk Management (Scotland) Act 2009, or the River Basin Management Plan (RBMP), providing the Proposed Plan is not inconsistent with these. The National Park Authority advises that RBMP was taken into account within the SEA of the Proposed Plan, and that the potential impact on the River Dee SAC (including water quality) was considered during the Habitat Regulations Appraisal of the Plan.

145. Paragraph 4.140 explains that any development in a flood risk area will require a flood risk assessment that will have to consider the layout and design of the development (which will include access and egress). The same matters are addressed in Policy 3.3 j) under the general heading of sustainable design.

146. However, I share Aberdeenshire Council's concern that the policy as drafted contains an apparent contradiction between the requirement in a) that all (my emphasis) development be free from medium to high risk of flooding, and the recognition in the later paragraph of the policy that development may be permitted in medium to high risk areas in exceptional circumstances.

147. I also agree with SEPA that the policy should give consideration to the different types of development, and their relative vulnerability to flooding. The National Park Authority recognises that some forms of development (e.g. shops, financial and professional services, restaurants and cafés) are less sensitive to flood risk, and refers to the SEPA Flood Risk and Land Use Vulnerability Guidance 2018.

148. I propose to recommend that the policy should be modified to address that point and to refer to the SEPA guidance, in accordance with SEPA's second alternative suggestion. A further explanation could be added at the end of paragraph 4.140, which would also help to answer Aberdeenshire Council's point.

149. However, I see no need to change the reference to SuDs in Policy 10.2, which I regard as an adequate expression of the national policy on the topic.

#### Policy 10.3 Connection to sewerage

150. I am content that the concern raised by Scottish Water that certain plant types would not meet the requirements of criterion b) would be fully addressed by the additional paragraph now proposed by the National Park Authority, which I propose to recommend for adoption.

#### Policy 10.6 Minerals

151. The Scottish Government contends that Policy 10.6, as written, does not align with the requirements of paragraphs 237 and 238 of SPP that development plans should safeguard workable minerals resources and support the maintenance of a 10-year landbank.

152. I am satisfied that the first part of Policy 10.6 of the Proposed Plan fulfils SPP's requirement to safeguard workable minerals resources in the National Park.

153. The first part of Policy 10.6 requires all development affecting mineral reserves to protect future viable extraction of a workable mineral reserve unless there is no alternative site, and the development is considered to deliver the aims of the Park in a way which outweighs its value as a mineral resource, and the opportunity has been provided for extraction of the mineral resource prior to development commencing. This is drafted in the same terms as the equivalent policy (10.5) of the 2015 Local Development Plan, which was adopted after the publication of SPP in 2014.

154. However, Policy 10.6 as drafted does not expressly maintain a 10-year land bank. The National Park Authority now accepts the Scottish Government's advice that the Proposed Plan should refer to the need to support the maintenance of a 10-year land bank of permitted reserves for construction aggregates, as required by paragraph 238 of SPP. I propose to recommend the adoption of the National Park Authority's suggested amendment to Paragraph 4.130 of the Proposed Plan to that effect.

155. The Scottish Government expresses particular concern about caveats a) and b) of Policy 10.6. I assume that this is a reference to the second part of the policy which states that mineral extraction will only be considered favourably where: a) the developer can demonstrate the market within the Cairngorms National Park where the mineral will be used; and b) any significant adverse impact can be suitably mitigated or is outweighed by other social or economic benefits.

156. However, those caveats are similar (though not identical) to the matching section of the same policy in the 2015 Plan: “a) the developer can demonstrate the market within the Cairngorms National Park where the mineral will be used to provide other social or economic benefits; and b) there are no adverse environmental impacts”.

157. I consider that these caveats within the second part of Policy 10.6 are reasonable stipulations within a National Park, and consistent with the statutory aims to conserve and enhance the natural and cultural heritage of the area, promote sustainable use of the natural resources of the area, and promote sustainable economic and social development of the area’s communities. Consequently, I see no reason to modify caveat a) or b).

158. The Scottish Government also points out that Policy 10.6 fails to set out the factors that proposals are required to address, which are listed at paragraph 237 of SPP. I do not consider that the considerations specific to minerals proposals, including noise and pollution of land, air and water, are satisfactorily addressed in other policies of the Proposed Plan. Those factors are only covered in very general terms in, for example, in Policy 3.3 Sustainable Design where criterion i) seeks to “protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site”.

159. I therefore propose to recommend that an additional criterion is added to the second part of Policy 10.6 Minerals, after criterion a), to ensure that the Proposed Plan is consistent with the relevant provisions of SPP:

“the proposal fully addresses the potential impacts of the development (and cumulative impact with other mineral and landfill sites in the area), including disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water, impacts on local communities, individual houses and sensitive receptors, impacts on the local and national economy, effects on natural heritage, habitats and the historic environment, landscape and visual impacts and transport impacts; and”

160. In relation to the objection by AVCC, I am content that Policy 10.6 (as modified) will give appropriate attention to the environmental effects of minerals extraction, to enable the National Park Authority to balance the impacts on natural and cultural heritage against the need for the mineral concerned and the benefits of extraction, and to ensure that impacts are satisfactorily mitigated if approval is justified.

161. I can understand NEMT’s concern that proposals that enable a higher proportion of secondary aggregate/recycled materials, including facilities for storing, processing and recycling construction, demolition and excavation materials, should not be supported if they are likely to have an adverse effect on the ecology and landscape of the National Park. However, any such proposal would also have to meet the requirements of Policy 4: Natural Heritage and Policy 5: Landscape, so I am satisfied that proper account would be taken of any potential impact on ecology and landscape of the National Park.

Policy 10.7 Carbon sinks and stores

162. With reference to the representation by AVCC, I note that paragraph 205 of SPP advises that applicants should assess the likely effects of development on carbon dioxide emissions where peat and other carbon rich soils are present. The National Park Authority does not object to a re-wording of the policy from ‘carbon dioxide’ to ‘greenhouse gas’ emissions which would encompass methane, and I propose to recommend a modification on that basis.

163. However, the wording of the policy is consistent with the same paragraph of SPP, which indicates that developments “should aim to minimise this release”, so I see no need to amend the wording as suggested by the John Muir Trust.

Policy 10.8 Contaminated land

164. Scottish Water points out that contaminated land can be a significant issue when laying water pipes in the ground, and in the choice of the materials such pipes are made from. However, I do not see the necessity to make a specific reference to the issue in the policy, as criterion a) already requires assessments to be undertaken to identify impacts on and off site when development is proposed which would affect contaminated land.

Paragraph 4.137: Water Framework Directive

165. The National Park Authority is content to accept SEPA’s suggested extra wording, which I propose to recommend for adoption, as I consider would provide additional helpful explanation on the application of the policy.

Paragraph 4.138: Groundwater dependant terrestrial ecosystems

166. Similarly, I propose to recommend the change the wording of this paragraph as recommended by SEPA and accepted by the National Park Authority, as the revised text clarifies that the aim is to avoid all wetlands, and not only GWDTEs.

**Reporter’s recommendations:**

1. Modify Policy 3.3 Sustainable Design on Page 38 by adding the following criterion:

“l) promote good health and well-being”.

2. Modify Policy 3.5 Converting existing building stock on Page 39 by adding the following criterion:

“c) and does not introduce a more vulnerable use in terms of flood risk”.

3. Modify Policy 4: Natural Heritage by replacing all references to ‘Natura’, ‘Natura 2000’ and ‘Natura sites’ with the term ‘European sites’.

4. Modify Policy 4.1 International designations on Page 44 by adding additional sub-paragraph:

“c) and compensatory measures are provided to ensure that the overall coherence

of the network of European sites is protected.”

5. Modify Policy 4.1 International designations on Page 44 by adding the following text at the end of the policy:

“(or compliance with the relevant process established following the UK’s departure from the EU)”.

6. Modify Policy 4.3 Woodlands on Page 44 by amending the first sentence of the policy as follows:

“Woodland removal for development will only be permitted where it complies with the Scottish Government’s Policy on the Control of Woodland Removal and where removal of the woodland would achieve clearly defined additional public benefits.”

7. Modify Policy 4.3 Woodlands on Page 44 by amending the second paragraph so that it starts:

“There will be a strong presumption against removal of ancient semi-natural woodland, including sites in the Ancient Woodland Inventory, which is considered to be an irreplaceable resource. Only in exceptional circumstances will loss of ancient semi-natural woodland be permitted..”

8. Modify Policy 4.3 Woodlands on Page 44 by replacing the references to “AWI” in criterion b) with “ancient semi-natural woodland”.

9. Modify Policy 4.3 Woodlands on Page 44 by amending the last sentence to state:

“Where removal of ancient semi-natural woodland is deemed acceptable, compensation for such loss (involving the planting of native species) will be mandatory.”

10. Modify Policy 4.5 Other biodiversity on Page 45 by replacing “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)”.

11. Modify Paragraph 4.66 – Mitigation on Page 47 by amending the wording in the second sentence to refer to “equal or higher quality”.

12. Modify Paragraph 4.66 – Mitigation on Page 47 by amending 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.”

13. Modify the Glossary on Pages 220-223 to include the following definition of Wild Land Areas:

“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.”

14. Modify Paragraph 4.70 on Page 50 by adding the following text at the end of the paragraph:

“Almost half of the National Park falls within wild land areas identified in the 2014 SNH map of wild land areas. This policy intends to safeguard the character of those identified wild land areas and more widely the quality of wildness within the National Park.”

15. Modify Policy 5.2 Private roads and ways on Page 50 to read:

“There will be a presumption against new private roads and ways in open moorland areas unless:

a) it can be demonstrated that they are essential for land management purposes;  
AND

b) they are designed to minimise landscape and environmental impacts, and they conserve and enhance the landscape character and special landscape qualities of the National Park including wildness;

OR, WHERE APPROPRIATE,

c) they form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park including wildness.”

16. Modify Paragraph 4.74 on Page 51 by amending the second sentence so that it reads:

“They are often the most obvious man-made features within those landscapes and can have a significant impact on landscape character, special landscape qualities and wildness.”

17. Modify Paragraph 4.74 on Page 51 by re-phrasing the last sentence to read:

“Where they are shown to be essential for land management purposes, well designed and constructed tracks should still minimise landscape impacts and damage to habitats.”

18. Modify Paragraph 4.76, second sentence on Page 51 by changing the word ‘inevitable’ to ‘likely’, and the word ‘desired’ to ‘required’.

19. Modify Policy 9.1 Listed Buildings on Page 66 by including the following wording before the final paragraph:

“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.”

20. Modify Paragraph 4.118 on Page 66 by inserting the following additional text after the first sentence:

“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.”

21. Modify Policy 9.2 Cultural and historic designations on Page 66 by deleting the second last paragraph below part c), and substituting the following:

“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.”

22. Modify Policy 10.1 Water resources on Page 70 by amending criterion b) to read:

“treat surface water and foul water discharge separately. Development is required to treat surface water in accordance with the current CIRIA SuDS Manual; and...”

23. Modify the final paragraph of Policy 10.1 Water resources on Page 70 by amending the wording of the second sentence to read:

“An appropriately sized buffer strip will require to be retained around all water features and designed and managed to contribute positively towards sustainable placemaking.”

24. Modify Paragraph 4.135 on Page 74 by adding the following at the end of the paragraph:

“Applicants should consult Scottish Water’s Surface Water Policy on the appropriate treatment of surface water and foul water discharge.”

25. Modify Policy 10.2 Flooding on Page 70 by adding the following paragraph after the reference to water resilient materials and construction:

“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 should only be permitted for uses of equal or less vulnerability in accordance with SEPA’s Land Use Vulnerability Guidance.”

26. Modify Paragraph 4.139 on Page 75 by adding the following sentence at the beginning of the paragraph:

“The National Park Authority aims to apply the principles of natural flood management which are set out in SEPA’s Natural Flood Management Handbook, and to prevent development which is likely to be affected by flooding or to increase the likelihood of flooding elsewhere.”

27. Modify Paragraph 4.140 on Page 75 by adding the following sentence at the end of the paragraph:

“However, the policy recognises that some forms of development are less sensitive or even compatible with areas at risk of flooding; this is explained in the SEPA Flood Risk and Land Use Vulnerability Guidance 2018. 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.”

28. Modify Paragraph 4.134 on Page 74 by adding the following at the end of the paragraph:

“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.”

29. Modify Policy 10.6 Minerals on Page 71 by inserting a new criterion into the second part of the policy after criterion a):

“the proposal fully addresses the potential impacts of the development (and cumulative impact with other mineral and landfill sites in the area), including disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water, impacts on local communities, individual houses and sensitive receptors, impacts on the local and national economy, effects on natural heritage, habitats and the historic environment, landscape and visual impacts and transport impacts; and”

30. Modify Paragraph 4.130 on Page 73 by amending the text to read:

“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.”

31. Modify Policy 10.7 Carbon sinks and stores on Page 72 by amending the wording of criterion c) to read:

“include an assessment of the likely effects of development on greenhouse gas emissions and identify appropriate mitigation measures to minimise the release of stored carbon as a result of disturbance.”

32. Modify Paragraph 4.137 – Water Framework Directive on Page 74 by adding the

following wording at the end of the paragraph:

“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 straightened or realigned watercourses, a wider buffer may also be required.”

33. Modify Paragraph 4.138 – Ground Water dependant terrestrial ecosystems on Page 75 to read:

“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 through the inclusion of an appropriate buffer – otherwise further assessment and appropriate mitigation will be required.”

<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> Timothy Brian	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>			
<p>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</p>			
<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></p> <p>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></p> <p>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>			

Policy 7.1: All renewable energy developments

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 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:**

Policy 6: The Siting and Design of Digital Communications Equipment and Paragraph 4.86 - Applying the policy

1. I appreciate that the National Park Authority intends those using the Proposed Plan to take account of all of the policies that are pertinent to a proposed development, rather than just the single policy which appears to be most relevant. However, it is important that the subject policies such as Policy 6, and the supporting text, set out the most significant considerations to be taken into account in the preparation and assessment of proposals.

2. Policy 6 contains eight criteria to be applied when assessing proposals for new telecommunications or other digital equipment, but there is no mention in the policy or the supporting text of the access tracks which are likely to be an integral part of each development. The focus here is clearly on the apparatus and associated structures, though there is a general reference to the need to avoid unacceptable effects on areas of particular ecological interest or landscape importance.
3. Paragraph 4.88 confirms that the policy will be used in conjunction with other policies in the Plan to ensure development is well designed and does not have any adverse impact on the features of natural or cultural heritage important to the National Park. However, there is no indication that access tracks associated with digital communications equipment are an active issue of concern.
4. Elsewhere in this report, under Issue 5: Protecting the Environment, it is evident that hill tracks are indeed a real concern to the National Park Authority and a number of bodies with an interest in the protection of wild land. It would therefore appear to be an omission not to recognise that consideration within Policy 6, when the construction (and restoration) of access tracks may be the most conspicuous element of a telecommunications development in certain locations.
5. I agree with NEMT that the best means of achieving that would be to add a further bullet point to the list of items which should be included within an application, in paragraph 4.87: “details of new vehicle tracks where these are required. These should include the proposed line, construction methods and plans for restoration.” I propose to recommend that the Proposed Plan be modified along those lines.
6. I do not see the need to refer to the SNH guidance on hill tracks in paragraph 4.87, however. Having established that access tracks are a matter to be considered in the siting and design of digital telecommunications equipment, it would be reasonable for potential developers to rely on the detailed provisions within Policy 5.2 and the supporting text.

#### Policy 7.1: All renewable energy developments

7. Policy 7.1 indicates that proposals for renewable energy generation will be considered favourably where they meet a series of criteria, including the need to conserve and enhance the special qualities of the National Park. The remainder of Policy 7 sets out the provisions for each type of renewable energy generation.
8. The supporting text advises that the National Park has an abundance of natural resources which provide options to generate renewable energy, including “biomass, hydro, solar, heat pumps and some wind energy.” The Authority wants to encourage this in a way which promotes the sustainable use of those resources without negative impacts on the special qualities of the National Park.
9. Policy 5.1 Special Landscape Qualities states that there will be a presumption against any development that does not conserve or enhance the landscape character and special qualities of the Park including wildness. Paragraph 4.78 emphasises that the impact of development on wildness is important and will be a fundamental factor in the application of that policy. Figure 9, on the same page of the Plan, shows the wild land areas covering the National Park.
10. I am therefore satisfied that the Proposed Plan safeguards the special status of wild

land, and that it is not necessary or appropriate for the policy to impose a presumption against renewable energy developments in wild land areas. All the same, I consider that it would be helpful to make a minor change to criterion c) of Policy 7.1 to refer to the special qualities of the Park, including wildness. I propose to recommend that the Plan be modified accordingly.

11. I also propose to recommend that a reference be added to access tracks and roads as a consideration to be taken into account, within Paragraph 4.94 of the Proposed Plan.

12. I note the suggestions that energy efficient features such as improved insulation, solar panels, and air and ground source heat pumps be incorporated into new development. Such measures are a matter for the Building Regulations, and strictly do not fall within the scope of this Local Development Plan. However, Policy 3.3 Sustainable Design requires all developments to minimise the effects of development on climate change in terms of siting and construction, and achieve at least the minimum standard in compliance with the Building Standards Technical Handbook. No modification to the Plan is necessary in response to those representations.

13. I also note the concern expressed by Wildland Ltd that the National Park could become encircled by commercial windfarms. However, the Authority is correct to point out that the Proposed Plan is the Local Development Plan for the Cairngorms National Park, and cannot contain provisions for the surrounding area outwith the National Park. The Authority is consulted on planning applications in adjoining jurisdictions, and is able to make representations on the proposals from the National Park perspective. I conclude there is no need to modify the Plan in response to this representation.

14. I can see no particular justification or requirement for the Proposed Plan to give explicit support to ground mounted solar panels or private wire solar array development where the electricity generated is primarily used on site, as requested by Crown Estate Scotland. I consider that the favourable reference to sympathetically designed solar energy schemes in paragraph 4.93 is sufficient.

15. In relation to SEPA's representation about the supplementary guidance on renewable energy, I note that the National Park Authority intends to revise the existing guidance and publish the updated material as non-statutory guidance. SEPA is invited to contribute to the new guidance, so there is no need to modify the Plan in response to this representation.

#### Policy 7.2 Hydropower

16. As stated above, the discussion about hill tracks and the effect on wild land is considered elsewhere in the report under Issue 5. In response to representations about Policy 7.1 above, I have concluded that paragraph 4.94 should highlight access tracks and roads as a consideration to be taken into account in relation to all renewable energy developments (including hydropower).

17. However, I do not see the need to refer to Scottish Natural Heritage's good practice guidance on constructing tracks in the Scottish Uplands in this section, given the detailed provisions on the matter within Policy 5.2 and the supporting text. I also agree with the National Park Authority that there is no need to produce supplementary guidance on the subject when paragraph 4.82 already refers parties to the SNH guidance.

18. It is right that attention is paid to the need to protect peat and carbon-rich soils when considering renewable energy proposals, including hydropower and wind energy. This important issue is addressed in Policy 10.7 of the Proposed Plan which concerns development affecting carbon sinks and stores, particularly soil and peat, and in Policy 1.2 of the Partnership Plan. I therefore see no need to modify Policy 7 in the light of the representation.

#### Policy 7.3 Wind energy

19. The issue of hill tracks is addressed above.

20. John Muir Trust questions why the Proposed Plan does not make clear that wind farms are not appropriate in National Parks and National Scenic Areas, as indicated in Table 1: Spatial Frameworks within Scottish Planning Policy. However, Policy 7.3 states that large scale commercial wind turbines (defined as more than one turbine and more than 30 metres in height) are not compatible with the landscape character or special landscape qualities of the National Park and will not be supported. This definition precludes the development of commercial wind farms in the National Park. I therefore conclude that the policy does not require to be modified in response to this representation.

#### Policy 7.4 Biomass

21. In relation to the point raised by NEMT, I note that the mandatory standard in the Building standards technical handbook requires every building to be designed and constructed in such a way that the volume of woody biomass fuel storage allows the number of journeys by delivery vehicles to be minimised. The handbook explains that, if the storage container is too small, the number of journeys by delivery vehicles will make unnecessary use of diesel fuel.

22. On that basis, I see no reason to modify the terms of Policy 7.4.

#### Policy 7.5 Energy from waste

23. I agree with the National Park Authority that an energy from waste plant of appropriate scale might be permissible in a suitable location within the National Park, providing it met the requirements of Policy 7.5 and of the other relevant policies of the Proposed Plan. I therefore do not propose to modify the policy in response to the representation by NEMT.

#### Policy 7.6 Heat networks

24. One of the spatial priorities in NPF3 is extending heat networks in Scotland's cities and towns. Scottish Planning Policy states that local development plans should support the development of heat networks in as many locations as possible. I consider that the encouragement given to heat networks in Policy 7.6 is consistent with this national policy support. The requirement for major developments to assess the feasibility of meeting heating requirements through a low carbon district heating scheme should ensure they are only installed where appropriate. No modification is required to the policy therefore.

#### Paragraphs 4.89 and 4.91 – What the policy aims to do

25. With regard to the representation by NEMT, I am satisfied that the paragraphs are

clear and well justified, when read as a whole and in the context of the Partnership Plan. 26. Paragraph 4.89 states that the impact of volatile energy prices and supply of fossil fuels mean that communities must adapt and build resilience to the changing climate. Paragraph 4.91 explains that Policy 7 sets the framework to harness the National Park's energy potential, and allow the Park to play its part in addressing the issues of climate change and fuel poverty.

27. Policy 3.3 of the Partnership Plan aims to support communities to use less energy, reduce emissions and generate low impact renewable energy, and maximise the benefits to communities through direct use of locally generated energy or, where sold to the grid, reinvesting income to support community development.

28. I conclude that no modification is required to these paragraphs.

#### Policy 8: Open Space, Sport and Recreation – General Comments

29. Policy 8 is concerned with proposals for new or improved sport and recreation facilities, or the redevelopment of outdoor sports facilities or other open space. SEPA points out that the policy does not address the need for developers to provide adequate open space within new developments. On the face of it that seems an important omission.

30. Planning Advice Note 65: Planning and Open Space (which is referred to in SPP) advises that development plans have a key role to play in protecting and promoting high quality open space. Paragraph 38 states that plans should indicate the circumstances in which new green or civic spaces will be required as part of new developments. Requirements may differ across the plan area, depending on the circumstances of each community. The plan can set out the various circumstances in which developers will be required to provide on-site spaces and off-site open space.

31. I agree with SEPA that open space requirements for new developments are best addressed within Policy 3: Design and Placemaking. Item g) of Policy 3.3 Sustainable Design requires all development proposals to be designed to "improve or add to existing public and amenity open space". However, that requirement is very general and unspecific, and does not convey to potential developers what is expected of them.

32. I prefer SEPA's wording, which is more in keeping with Scottish Government policy, and Policy 3's aim to ensure that all development delivers high standards of design and placemaking. SPP advises that the planning system should consider green infrastructure as an integral element of places from the outset of the planning process.

33. I therefore propose to recommend that Policy 3.3 be modified along the lines suggested by SEPA. I do not see the need to refer to the future non-statutory supplementary guidance on design and placemaking however.

34. The Scottish Government draws attention to paragraph 227 of SPP, which states that local development plans should safeguard existing and potential allotments where there is proven demand, and encourage opportunities for a range of community growing spaces.

35. Paragraph 4.100 of the Proposed Plan includes allotments and communal growing areas within a list of types of "other public and amenity open spaces", and Paragraph 4.101 advises that the policy aims to ensure the needs of local communities are accommodated and existing facilities are protected.

36. However, it is not clear to me how Policy 8, as drafted, seeks to promote allotments and community growing areas. Policy 8.1 is directed at new sport and recreation facilities, and Policy 8.2 at outdoor sports facilities. The only section of the policy which appears to relate to allotments is Policy 8.3 which aims to prevent the loss of “other open space” (including allotments and communal growing areas), but I cannot find a reference in the policy to the need to encourage new community growing spaces.

37. I conclude that the simplest remedy would be to adjust Policy 8.1 which supports new developments of sport and recreation facilities to include allotments and community growing spaces, so that it clearly conveys the requirement set out in paragraph 227 of SPP, and I propose to recommend a modification accordingly.

38. I accept the National Park Authority’s position that there are very few brownfield development sites in the National Park, and hence that there is no need to modify Policy 8 to include a sub-section on the temporary greening of unused or underused land.

#### Active Travel

39. In relation to the representation by Tactran, Policy 8.1 supports new development of sport and recreation facilities where they maintain and maximise all opportunities to link into the existing path network. The policy makes no distinction between recreational and other trips, so I see no need to modify it in response to the representation.

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

40. With regard to the representation by Highland Council, I do not detect any weakening of Policy 8.3 compared to the current policy in the 2015 Local Development Plan. Policy 8.2 maintains the protection given to outdoor sports facilities, whereas Policy 8.3 is re-framed to cover developments which would result in the loss of, as well as the reduction of, other open spaces or recreation facilities. Such developments will only be supported in very limited circumstances, which are virtually identical to those set out in the policy in the previous plan.

41. I conclude that the Proposed Plan does not require to be modified in response to the representation.

#### Other Sport and Recreation comments

42. The comment by R Dalitz relates to the Core Paths Plan, rather than the Local Development Plan, and therefore does not form part of this examination.

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

43. This policy aims to ensure that new developments make an appropriate contribution to addressing and managing the impacts of development on the surrounding infrastructure and local services. I acknowledge the concern that developer obligations can represent a heavy burden on marginal developments in particular, but paragraph 4.163 enables developers to submit a viability assessment if they consider that the contribution sought could make the scheme unviable.

44. I do not consider it would be realistic to expect the full detail of the expected

contributions to be set out in the Local Development Plan. Policy 11 explains that individual requirements are likely to vary according to the type and scale of the development, and between one settlement and another according to their needs and the cost of the project concerned. Also, requirements vary over time, according to trajectory of the school roll for example.

45. Consequently, I agree with the National Park Authority that detailed requirements are best left for supplementary guidance, which may be reviewed every year to take account of any changes. I conclude that there is no need to modify the policy in response to this representation.

#### Policy 11: Developer Obligations

46. In relation to the representation by Paths for All, Policy 11 already provides that contributions may be required towards transport provision and infrastructure including active travel. Policy 3 requires development proposals to improve or add to amenity open space and maintain and maximise the opportunities for responsible outdoor access, including links into the existing path network. There is therefore no need to modify Policy 11 in response to the representation.

47. Whilst I accept that the mechanism for securing contributions may vary across the constituent local authorities, there is no suggestion that the relevant policies are materially different. I am content to leave the question of setting out the detailed process, and any procedural variation between the local authorities, for supplementary guidance. Therefore, no changes are required to Policy 11.

#### Contributions towards natural heritage

48. Contrary to the National Park Authority's summary of modifications sought by those submitting representations, I do not understand RSPB Scotland to suggest that Policy 11 should state that contributions will (rather than may) be required towards the items listed in the third paragraph of the policy. The representation merely observes that the policy says that they may (rather than will) be required, and that requirements for such contributions would need to satisfy the relevant legal and policy tests, currently set out in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

49. On the substantive point raised in the representation, Scottish Planning Policy expects the planning system to seek benefits for biodiversity from new development wherever possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats (Paragraph 194). Circular 3/2012 advises that development plans (and not supplementary guidance) should identify the items for which contributions will be sought and the occasions when they will be sought.

50. Within the Proposed Plan Table 4 (Pages 86-87) details mitigation requirements for developments that may affect Natura sites, including a series of measures to mitigate disturbance to capercaillie in SPAs. It seems unlikely that developers would themselves be able to implement these measures, which are more likely to fall to the National Park Authority or their partners, in which case contributions will need to be sought through developer obligations.

51. Paragraph 4.66, in the section on applying Policy 4: Natural Heritage, already acknowledges that legal agreements may be required in exceptional cases to secure

agreed mitigation and/or compensation measures. However, for clarity I agree with RSPB Scotland that ‘mitigation of impacts on natural heritage’ needs to be listed in Policy 11 amongst the matters for which contributions may be required.

52. I prefer that form of words to the National Park Authority’s ‘natural heritage mitigation’, since it is the impacts (and not the natural heritage) which are to be mitigated. However, I endorse the Authority’s proposal to add a new sub-section within the Applying the policy section to explain the circumstances when such a contribution might be necessary.

53. I propose to recommend a modification to the Proposed Plan accordingly.

Contributions towards education

54. I note that the representation by Crown Estate Scotland suggests “possible considerations for prospective Supplementary Guidance in relation to how education contributions are calculated”. CES does not object to Policy 11, but instead asks that the supplementary guidance give careful thought to the points it raises about functional versus physical capacity, and the role of placement requests.

55. Because the representation concerns the proposed supplementary guidance, the points raised by Crown Estate Scotland are not a matter for this examination of the Proposed Plan.

Contributions towards community facilities

56. The issue of allotments is considered above in the discussion on Policy 8: Open Space, Sport and Recreation, and within Issue 7: Badenoch and Strathspey Strategic Settlements. I have already concluded that Policy 8.1 should be modified to make clear that the support for new development of sport and recreation facilities includes allotments and community growing spaces. Having established that allotments fall within this heading, I see no need to amend paragraph 4.158 to refer to allotments, when other types of community facility are not specified there.

57. I therefore do not propose to recommend that the Proposed Plan be modified in response to this representation.

**Reporter’s recommendations:**

1. Modify Paragraph 4.87 – Applying the Policy on Page 56 by adding the following bullet point:

“details of new vehicle tracks where these are required. These should include the proposed line, construction methods and plans for restoration.”

2. Modify criterion c) of Policy 7.1: All renewable energy developments on Page 58 so that it reads:

“they conserve and enhance the special qualities of the Park, including wildness”

3. Modify Paragraph 4.94 – Applying the Policy on Page 60 so that it reads:

“This policy will be used in conjunction with other policies in the Plan to ensure that

the development (including any vehicle access roads or tracks) is well designed, and..”

4. Modify item g) of Policy 3.3 Sustainable Design on Page 38 so that it reads:

“incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and provide green infrastructure to connect to wider blue/green networks.”

5. Modify Policy 8.1 New development on Page 62 so that it reads:

“Developments of sport and recreation facilities, allotments and community growing spaces, diversification of....will be supported where...”

6. Modify Policy 11: Developer Obligations on Page 76 by adding the following to the list of items that contributions may be required towards:

“mitigation of impacts on natural heritage”

7. Modify the section on Applying the policy on Pages 78 or 79 by adding the following sub-section:

“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.”

<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> Timothy Brian
<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	
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
<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> <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).</p>	

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; Woodland Trust, 137, R Anderson, 161; M Jeffrey, 176; A Stewart, 197; D MacLennan, 198; L McKenna, 199; A Harris, 202; J Armstrong, 204; Sarah, 206). 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)

#### An Camas Mòr

- Delete An Camas Mòr (S Dickie, 006; R Turnbull, 179; Wildland Ltd, 182; Cairngorms Campaign, 186; BSCG, 187)
- Change status of An Camas Mòr to a Strategic Settlement and add following text: '**An Camas Mor**  
**The settlement of An Camas Mòr will be a new sustainable community. With links to the Aviemore community, the people living in An Camas Mòr will form a community of their own which is inclusive and vibrant with a demographically balanced population addressing the long-standing issues of Aviemore.**

#### **Settlement Objectives:**

- **To deliver An Camas Mòr as a new settlement which will, on completion hold a strategic role in this part of the National Park.**
- **To ensure the new settlement acts as a focus for growth serving the wider Badenoch and Strathspey area.**
- **To develop a community of up to 1,500 homes developed over time which relieves pressure for new development currently focusing on Aviemore.**
- **To demonstrate innovation in design and sustainable construction and**

living.

- **To encourage opportunities for partnership working in the overall development of the settlement.'**

(An Camas Mòr LLP, 188; Rothiemurchus Estate, 189)

- Do not progress LDP so that further consultation may take place on An Camas Mòr's proposed states as a Strategic consent (An Camas Mòr LLP, 188).
- Make following amendment to site requirement text:  
'A Recreation Management Plan (RMP) will be required covering. **The RMP must detail sufficient and robust measures to ensure that the proposed development will not result in any adverse effect on the integrity of any Special Protection Area, including the following:**'  
(RSPB Scotland, 178)
- Add the following bullet point to the list of RMP requirements:  
**'11. Any other measures necessary to ensure that there is no adverse effect on the integrity of any Special Protection Area'**  
(RSPB Scotland, 178)
- Delete following bullet point from the list of RMP requirements:  
'Diversionary car parking in vicinity of Loch Pityoulish linking to new paths in area. Path closure in vicinity of lodge from Coylum Road and reconsidering the link proposed in indicative masterplan.'  
(189, A Grant)
- Add requirement for a bike, skate and pump track next to river to RMP and remove requirement for a downhill mountain bike track (189, A Grant).
- Change site area information to:  
**'An Camas Mòr planning application area 142 Hectares  
Of which:  
Area for building 52 Hectares  
And conservation and amenity 90 Hectares'**  
(192, Rothiemurchus Estate)
- Include commitment to delivering An Camas Mòr more quickly (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; WTS, 137; R Anderson, 161; M. Jeffrey, 176; L McKenna, 199; Sarah, 206).

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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, pages 105-112 (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; WTS, 137; M Jeffrey, 176, D Maclennan , 198; L McKenna, 199; Sarah, 206).

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 noted 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:**

#### Aviemore – General Comments

1. I note the Scottish Government's request to show Transport Scotland's preferred route for the dualling of the A9 on the settlement map for Aviemore (and other relevant settlements). However, given that the draft road orders and compulsory purchase orders are subject to objections considered by Scottish Ministers following a public inquiry, I see little purpose in showing the detailed alignment of the road scheme in the Proposed Plan. Any potential developer or interested party can readily view the orders and the related plans on the Transport Scotland website.
2. In any case, there is no suggestion that any proposals or allocations in the Proposed Plan would sterilise or conflict with the preferred route of the improved A9, so I do not consider that the route requires to be represented in the settlement map of Aviemore (or other settlements close to the A9).
3. Paragraph 3.2 of the spatial strategy of the Plan emphasises the scale and significance for the National Park and Scotland as a whole of the dualling of the A9. Also, the Cairngorms National Park Partnership Plan's agenda for action (page 70) aims to maximise the opportunities for businesses, communities and visitors from the A9 dualling project. The capital investment priorities of the Partnership Plan (page 76) include A9 dualling – especially ensuring that the investment benefits local communities and visitors.
4. I therefore conclude that there is no need to modify the Proposed Plan in response to the Scottish Government's representation.
5. Another concern expressed about infrastructure relates to the ability of hospital services, including respite care, to cope with the expanded population envisaged in Aviemore and the wider area, when there is already a substantial delay in securing an appointment with a doctor or dentist. The representations point out that the new community hospital to be built in Aviemore will have fewer beds.
6. However, I note that planning permission was granted in April 2019 for the new hospital (Proposal C3: land south of Dalfaber Industrial Estate), and that NHS Grampian has not raised any concern about the adequacy of health service infrastructure in the area.
7. If any proposed development is likely to create a need for additional healthcare provision, the developer will be expected to make a contribution towards additional costs or requirements under the terms of Policy 11: Developer Obligations of the Proposed Plan. On that basis, there is no need to modify the Proposed Plan in response to these representations.
8. I note that the Aviemore Masterplan is now over 20 years old, and was not formally adopted. The Proposed Plan contains a settlement plan, town centre map, settlement objectives and individual proposals to guide development decisions in the town over the

next ten years. The allocation (M1) for mixed use development at Aviemore Highland Resort is subject to an adopted development brief, and the proposed long-term housing allocations at North Aviemore (LTH1 and LTH2), which are discussed below, would require a masterplan. In that context I do not consider that a new masterplan for Aviemore is warranted, or that the Plan requires to be modified in that way.

9. In response to the criticisms by Aviemore and Vicinity Community Council (AVCC) about the accuracy and currency of certain of the mapping and information in the Proposed Plan, the National Park Authority advises that it will update the maps and aerial photography in the adopted version of the Plan. The Authority also intends to update the site information for M1: Aviemore Highland Resort, and confirms that the existing planning permission for 140 houses at M1 (most of which are yet to be built) has been taken into account in the assessment of the housing requirement for the area.

10. I do not agree with the other representation which suggests that the settlement plan and legend are not clear or understandable. Accordingly, there is no need for me to recommend modifications to the Proposed Plan to address these concerns.

11. Cairngorm Brewery advises that accommodation for staff is a major challenge for the company, and other representations highlight the importance of housing for local workers and complain that there are far too many holiday homes in Aviemore.

12. The wider issue of affordable housing is dealt with elsewhere in this report under Issue 3 (Policy 1: New Housing Development).

13. The National Park Authority is not able to impose a condition on planning permissions for new housing to restrict its occupation to local people, for the reasons explained in its response to the representations above.

14. However, the Proposed Plan is taking measures to address the issue. It is proposed in Policy 1.5 that 45% of the houses built on developments of four or more dwellings in Aviemore should be affordable. A mix of tenures is proposed, including social renting, low cost home ownership, and affordable private rented housing. There is some scope for housing associations and other providers to prevent the houses from being used as holiday homes.

15. In any case, Paragraph 4.22 indicates that affordable dwellings will be required to be of a modest size that is commensurate to the needs of the household that will occupy them, thereby rendering them more affordable to local residents and local workers and less attractive as second homes.

16. I conclude that the National Park Authority is addressing this important issue in Aviemore insofar as it can, and that there is no need to modify the Proposed Plan in response to the concerns raised.

#### Aviemore H2: Dalfaber

17. This large site on the eastern edge of Aviemore has planning permission for the development of 83 houses. The development site encompasses a roughly rectangular area of land to the east of Corrou Road, which is covered with self-sown birch and broom and is to form part of the landscaping scheme. The representation seeks to exclude this area from the allocation in the Proposed Plan, but I consider that it would be more

appropriate to refer to it within the site considerations listed on Page 93, and I shall recommend a modification accordingly.

#### Aviemore M1: Aviemore Highland Resort

18. I can appreciate the concern of local residents that development on the flood plain at the north end of the M1 site might exacerbate the problems of flooding experienced by the houses in Craig na Gower Avenue, particularly if backfilling is proposed. However, there is already planning permission for development on the land (without backfilling the watercourse), to which SEPA did not object, and the allocation in the Proposed Plan requires flood risk and drainage impact assessments to be carried out for any future proposals.

19. BSCG maintains that the northern part of M1 is an important field that supports biodiversity and provides ecological connectivity. However, the site assessment report (CD018) did not find any undue obstacle to development of that field on ecological grounds. There is therefore no need to amend the Proposed Plan in response to these representations.

20. More notable is the presence of ancient semi-natural woodland in the southern part of the M1 allocation, which is identified as a constraint in the SEA Environmental Report. Whilst I accept that the woodland already contains, and creates the setting for, the timber lodge development at the south end of the resort, paragraph 194 of Scottish Planning Policy 2014 advises that the planning system should protect and enhance ancient semi-natural woodland as an important and irreplaceable resource.

21. I consider that it would be prudent to recognise the ancient woodland as a consideration for any future development proposals, within the site-specific guidance on Page 94 of the Proposed Plan. This approach would be consistent with the provisions of Policy 4.3 of the Proposed Plan, and with allocations elsewhere in the National Park, for example Grantown-on-Spey site T1. I propose to recommend a modification along those lines.

#### Aviemore ED1: Dalfaber Industrial Estate

22. I note that the proposed extension to the industrial estate has already been fenced off, and is now largely hard surfaced. Immediately to the north is a wooded glen containing ancient semi-natural woodland and a long-distance footpath (the Speyside Way). One of the two new compounds includes mature trees similar to those in the neighbouring ancient woodland.

23. I agree with Woodland Trust Scotland that the site-specific guidance should make an appropriate reference to the ancient woodland, and propose to recommend a modification accordingly. However, in relation to the objection by BSCG, the land forming the proposed extension to the industrial estate has been used as a compound in connection with the A9 improvement works, and has little landscape or biodiversity value. Because of the screening provided by the ancient woodland and the intervening topography, the use of this land for industrial purposes should have little impact on the enjoyment of the Speyside Way. Therefore, no modification is required in response to the BSCG objection.

24. In relation to the query by Highland Council as to whether non-industrial uses may be permissible on site ED1, Scottish Planning Policy is explicit that the planning system

should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure. The Dalfaber Industrial Estate lies some distance from Aviemore town centre, and I agree with the National Park Authority that it should be safeguarded as an important part of the provision of sites for economic development in Badenoch and Strathspey.

25. Any proposals for the alternative use of economic development sites would be assessed against the requirements of Policy 2.5 of the Proposed Plan.

26. I therefore conclude that the Proposed Plan should clarify that site ED1 should be reserved for use classes 4, 5 and 6 and certain sui generis uses which would need to be considered on a case by case basis, and will recommend a modification to that end.

#### Aviemore ED2: Myrtlefield Industrial Estate

27. This allocation includes a row of retail units on the Grampian Road frontage with a shoppers' car park at the rear, and an adjoining small industrial estate to the north east. Between the industrial estate and the main road frontage are houses with restricted back gardens. I can understand residents' concern to avoid any further development on site ED2 which might impinge unduly on the amenity and outlook of the neighbouring houses, and I propose to recommend a modification to the text of the Proposed Plan to reflect that consideration.

28. With regard to the request for clarification by Highland Council, the circumstances are different here from site ED1, as the allocation at site ED2 encompasses both a retail block forming part of the town centre and an industrial estate. It would be wrong in principle to allocate the industrial area for retail purposes, or to allocate the town centre element for industrial uses. Allocating ED2 for mixed uses would not assist, as it might imply that the whole area is suitable for retail and industrial uses, which would not be appropriate. I therefore conclude that the current allocation should remain unaltered.

#### Aviemore ED3: Granish

29. The allocation at site ED3: Granish covers an extensive area of undulating ground to the north of Aviemore, between the B5192 and the main railway line. The allocation includes the existing refuse tip and civic amenity site, skip hire and recycling business, karting track, and waste water treatment works, together with adjoining land. Some of these activities are inherently unsightly and have the potential to detract from landscape character.

30. I note that the National Park Authority will update the maps and aerial photography in the adopted version of the Plan, so I do not need to recommend a modification in response to the comment by AVCC.

31. The land is bounded to the north by ancient woodland, which is referenced in the site-specific guidance on Page 98 of the Proposed Plan: "Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and ancient woodland to the north of the site." However, I note from the SEA Environmental Report that some of the ancient woodland within ED3 has already been damaged by on site uses, and I conclude that the guidance in the Plan should be strengthened to avoid further damaging this irreplaceable resource. I therefore propose to recommend that the Plan adopts the wording suggested by Woodland Trust Scotland.

32. The proposed long-term housing sites LTH1 and LTH2 lie to the south and southwest of site ED3, between this outlying economic development site and the northern edge of the Aviemore settlement boundary. I therefore agree with Highland Council that it would make sense to masterplan ED3 alongside LTH1 and LTH2 if those sites were to proceed, particularly since the boundary between ED3 and LTH2 appears to bisect two fields. However, I consider the objections to long term housing sites LTH1 and LTH2 below.

33. BSCG is concerned that the expansion of ED3 to the south would affect valuable habitats, biodiversity and landscapes which contribute to ecological connectivity and people's enjoyment. I have no evidence to support the claim that the expansion land is important for species and habitats, but I understand the Group's concern about the landscape impact of the proposal.

34. In relation to the representation from Wallace and Grimson, I note that the industrial activities at Granish at present are relatively well screened from the B5192 to west, by the undulating landform and established woodland. However, they are prominent to view from the northern edge of the town including the B5192, from where they sit on the skyline, albeit against a belt of trees.

35. The proposed southwards extension of the industrial area would potentially introduce these activities and buildings into the elevated open farmland to the south of ED3, but I consider that the expansion would provide an opportunity to create a substantial landscape buffer on its southern boundary, to the benefit of the landscape character and rural setting of Aviemore. I conclude that there is no need to modify the Proposed Plan in the light of these representations.

#### Aviemore C1: Land at Dalfaber Drive

36. I note that the National Park Authority accepts the need to update the site description of the above site, and I propose to recommend accordingly.

#### Aviemore C2: Former School playing fields

37. I also propose to recommend that the modification suggested by SEPA be incorporated, which takes account of the circumstances when a flood risk assessment might not be required for community use of this site next to the old primary school.

#### An Camas Mòr

##### The proposal

38. The site at An Camas Mòr covers an area of around 145 hectares of farmland, heathland, woodland and forestry to the east of Aviemore, between the River Spey and the B970 (Coylumbridge to Nethy Bridge road), which forms part of the Rothiemurchus Estate.

39. The development strategy of the Proposed Plan includes the provision of a new settlement at An Camas Mòr. Paragraph 3.9 underlines the potential significance and contribution of this proposed new community of 1,500 homes and associated development.

40. The National Park Authority has confirmed that it will insert the correct site area in the

heading on Page 101 of the Proposed Plan as a minor amendment. I therefore do not require to take any action in that regard. Also, I do not see the need to sub-divide the total area into the areas for building on the one hand, and conservation and amenity on the other, as the owners suggest. The other allocations in the Proposed Plan do not make that distinction.

### The representations

41. The representations relating to An Camas Mòr which are addressed within Issue 7 fall into several broad categories:

- those which object to the proposal, and wish it to be deleted from the Plan;
- those which consider that it will be unable to deliver the housing requirement within the Plan period;
- those concerned about specific impacts of the proposal and the mitigation proposed;
- those which want the development to be subject to additional requirements;
- those which want the development to be delivered without further delay; and
- the owners/developers who consider that the Plan should give stronger support for the proposal, and that the proposed mitigation measures go too far.

### The principle of development at An Camas Mòr

42. I note that there has been a proposal to develop a new settlement at An Camas Mòr since 1987. It has been a development plan commitment since 1997, when the Badenoch and Strathspey Local Plan indicated that the council would “support the development of a new community at Cambusmore, subject to a formal environmental assessment demonstrating that it would not give rise to any unacceptable impacts.”

43. The currently adopted development plan, the Cairngorms National Park Local Development Plan 2015, maintains the support for the project. The objectives of An Camas Mòr, as stated in the 2015 Plan, include to develop a new settlement of up to 1,500 homes which will on completion hold a strategic role in this part of the National Park, and act as a focus for growth serving the wider Badenoch and Strathspey area.

44. Planning permission in principle for the development of a new community of up to 1,500 residential units, associated business, community facilities and provision of infrastructure was granted in March 2014, subject to 10 conditions and a section 75 agreement embracing a number of requirements including the provision of a foot/cycle bridge over the River Spey. The supporting information included an Environmental Statement, Flood Risk Assessment, Transport Assessment and Sustainability Appraisal.

45. As recently as 29 April 2019 the National Park Authority approved an application to vary the above planning permission in principle (CD049). The application was subject to a Habitats Regulations Appraisal (HRA) to consider the effect on Natura sites, including the network of SPAs used by capercaillie. The HRA concluded that, with mitigation, there will be no significant effect on the site integrity of any Natura sites from the proposed development.

46. In determining the application, the Authority considered the responses from statutory consultees such as SNH, SEPA, Highland Council and AVCC, and representations from individuals and bodies such as RSPB Scotland, the Badenoch and Strathspey

Conservation Group and the Cairngorms Campaign.

47. The Authority's decision to approve the proposal resulted in a new planning permission in principle, which is subject to 13 conditions, including the requirement to submit a Recreation Management Plan that delivers the outcomes of the HRA and demonstrates that there will be no adverse effect on site integrity of any Natura site.

48. I conclude that the principle of developing a new settlement at An Camas Mòr has been firmly established, and hence that it requires to be treated as a commitment in the Proposed Plan. I cannot therefore engage with the arguments that An Camas Mòr should be removed from the Plan or reduced in size, or otherwise amended in a manner which would depart from the terms of the current planning permission for the site.

#### Site programming

49. The adequacy of the housing land supply identified in the Proposed Plan, and the potential contribution of An Camas Mòr to meeting the housing land requirement in the Plan period are considered elsewhere in this report under Issue 3 (Policy 1: New Housing Development).

50. The representation from the promoters of long-term housing sites LTH1 and LTH2 North Aviemore (Reidhaven Estate), questions whether An Camas Mòr will deliver the housing requirements within the Plan period. It highlights the delay in starting the development, and suggests that it is unlikely the site will deliver 52 houses by 2022 as indicated in the Housing Land Audit 2018, given the infrastructure requirements of the site.

51. The Proposed Plan Action Programme acknowledges that there will be significant road access and infrastructure costs associated with this development. Page 103 of the Proposed Plan explains that: "Fundamental to the site's delivery is a new foot/cycle bridge across the River Spey with a path directly linking central Aviemore and An Camas Mòr to ensure that the communities are true partners." The section 75 agreement requires the provision of land and financial contributions to construct the new bridge.

52. Although public funding has yet to be secured towards the revised project, we note that the Scottish Government made an offer of funding in December 2015, which requires to be updated in the light of the new permission granted in April 2019. Discussions are ongoing, but matters were delayed by almost 3½ years whilst the revised planning application was considered and consulted upon, and stakeholders were re-engaged with.

53. Local supporters of the project regard An Camas Mòr as the solution to the urgent need to provide more affordable housing in the area, and are understandably anxious to get the new settlement under way without further delay. Given that the developers have a fresh planning consent, and a professional team in place with experience of designing and implementing similar projects elsewhere in the north of Scotland, I would hope that they will now be able to progress the scheme as soon as the funding has been secured.

54. The Proposed Plan cannot impose a start date on the scheme, as that is dependent on decisions taken by a range of parties, but with the committed support of the National Park Authority, Highland Council and the local community council I cannot see why an early commencement should not be made on the development.

#### Strategic settlement or strategic consent?

55. An Camas Mòr LLP contends that An Camas Mòr should be described as a ‘strategic settlement’, rather than a ‘strategic consent’, but I am not persuaded that a great deal hangs on the difference in the terms.

56. The development strategy of the Proposed Plan includes the provision of a new settlement at An Camas Mòr. Paragraph 3.9 explains that, as “a new community of 1,500 homes and associated development, An Camas Mòr will make a significant contribution towards meeting the need for housing and business development within the Highland Council area of the Park. Over time, An Camas Mòr will become a new strategic settlement in its own right.”

57. Page 101 of the Proposed Plan states that:

“The proposed new settlement of An Camas Mòr (ACM) will be a new sustainable community. The consent forms a strategic part of the overall housing land supply for the Badenoch and Strathspey part of the National Park. While it is likely to take many years to be completed, it will then be a strategic settlement. In the short term, An Camas Mòr will rely on the services of Aviemore, however it will progressively relieve pressure from the existing settlement, becoming a new community in its own right.”

58. From the above, I detect no weakening in the Authority’s intention that An Camas Mòr will become a strategic settlement in the longer term. However, the Proposed Plan, in common with the 2015 Plan, acknowledges that in the early stages of development (during the period of the Proposed Plan) before it becomes self-supporting An Camas Mòr will inevitably depend on Aviemore for many of its services.

59. I see no reason to change the description of An Camas Mòr in the Proposed Plan from strategic consent to strategic settlement therefore; nor do I see a requirement to embark on a further round of consultation on the matter, as suggested by the developers.

#### Settlement objectives

60. An Camas Mòr LLP suggests that the section of the Proposed Plan on An Camas Mòr is strangely lopsided, because it has removed the guiding principles for the new settlement which were set out in the 2015 Plan whereas it lists the detailed measures proposed to mitigate impacts on capercaillie. I discuss the proposed mitigation requirements later in this section.

61. It is striking that the Proposed Plan no longer sets out the objectives and much of the justification and vision for An Camas Mòr which are set out in the 2015 Plan. I find that to be a surprising omission, when the new settlement forms such a large and significant part of the housing land supply for Badenoch and Strathspey in the Proposed Plan, and when there is no suggestion that the National Park Authority has lowered its high expectations for the new settlement at An Camas Mòr.

62. Accordingly, I propose to recommend a modification to the Proposed Plan to incorporate the settlement objectives suggested by the developers, which are almost identical to those in the 2015 Plan. I also propose to recommend that the introduction on Page 101 is modified to align with that in the 2015 Plan, in order to set a proper context for what remains the most important single proposal in the Proposed Plan.

Site-specific requirements and mitigation

63. As already stated above, one of the conditions of the planning permission granted in April 2019 requires the submission of a Recreation Management Plan that delivers the outcomes of the HRA, and demonstrates that there will be no adverse effect on site integrity of any Natura site.

64. Condition 12 of the planning permission is in the following terms:

“No development shall commence on site (other than site investigation works) until a Recreational Management Plan (RMP) that delivers the outcomes within the Habitat Regulations Appraisal that accompanies this decision and demonstrates that there will be no adverse effect on site integrity of any Natura sites, has been submitted to and approved in writing by the CNPA acting as planning authority.

The Recreational Management Plan must include:

- a) The provision and management of recreational infrastructure and mitigation measures within the development site;
- b) The provision and management of recreational infrastructure and mitigation measures off the development site;
- c) The mechanisms and timetable for delivery, monitoring and review.

Thereafter, the development shall be implemented in accordance with the approved Recreation Management Plan”.

65. The Appropriate Assessment of the proposal found that there could be adverse effects through disturbance to capercaillie from recreational use of their habitats by new residents from the development. The assessment then identified mitigation measures to address the adverse effects so that they could either be avoided or minimised and there was no longer an adverse effect on site integrity. An important element of the proposed mitigation is the RMP.

66. The HRA states that the required outcomes for Rothiemurchus woodlands (Cairngorms SPA) are to:

- “1. Ensure there are more easily accessible and attractive routes and areas for dog walking and informal off-path activities for ACM residents, so that they avoid recreational use of this area.
2. Prevent additional impacts of mountain biking on sensitive sites by ACM residents.
3. Reduce potential for occasional recreation use that is likely to cause disturbance to capercaillie.”

67. Many (though not all) of the mitigation measures for Rothiemurchus which are proposed to enact the above outcomes are the same as, or very similar to, the detailed measures listed on Page 102 of the Proposed Plan. Where they do not coincide, we have no explanation for the difference; nor it is evident why the list of measures in the Proposed Plan is restricted to Rothiemurchus, and does not refer to the other woodlands at Glenmore, Inshriach, Garten Woods, Kinveachy, Forest Lodge (Abernethy Forest) and Uath Lochan Woods.

68. With regard to the concerns expressed by BCSG and others about the measures to be included in the RMP (including proposed activities in the vicinity of Loch Pityoulish), I note that the mitigation measures recommended in the HRA include “new path provision in Loch Pityoulish area to provide suitable alternative walking area to east of ACM”, and “diversionary car parking in vicinity of Loch Pityoulish linking to new paths in area”. I am also aware of the concern that the mitigation measures would impose restrictions on access currently enjoyed to certain areas.

69. I expect that the proposed RMP will be an evolving document, with substantial input from the local community including AVCC, and that certain of the detailed proposals such as the best site for mountain bike facilities may change as result of that process.

70. At this stage I am not in a position to question the terms of the HRA, which are embedded in the planning permission for the scheme, but given the terms of the condition quoted above, I see no need to duplicate the detailed provisions of the HRA within the Proposed Plan.

71. I consider that the list of items to be covered by the RMP on Page 102 of the Proposed Plan is unnecessarily detailed to be included in the local development plan, and represents a potential source of confusion where it differs from the HRA. Those details should be appropriately agreed by the submission of a Recreation Management Plan under the terms of Condition 12 of the planning permission for the development, which will be considered by the National Park Authority in consultation with SNH, and will only be accepted if it is satisfactory to both bodies.

72. Instead, I conclude that the reference to the RMP in the Proposed Plan should merely confirm the intention of the RMP, as stated in the relevant planning condition, and highlighted by RSPB Scotland. I propose to recommend a modification accordingly.

#### Aviemore LTH1 and LTH2: North Aviemore

73. These sites, with a total area of 35.4 hectares, are located on either side of the B9152 immediately beyond the current northern edge of the built-up area of Aviemore, between the A9 to the west and the railway line to the east. The detached industrial area at Granish (ED3) lies on higher ground to the north.

74. The policy justification for these proposed long-term designations is addressed in Issue 3 (Policy 1 New Housing Development). Policy 1.11 Long term designations of the Proposed Plan explains that they are identified in order to set out the settlement’s preferred direction of growth, to assist in the forward planning of infrastructure and landscape enhancement/mitigation, and to ensure that a 5 year effective land supply will be maintained if An Camas Mòr proves undeliverable.

75. Page 96 of the Proposed Plan states that these sites are not expected to be released for development during the Plan period, and that proposals for their development within the timeframe of the current Plan will only be considered where the requirements of Policy 1.11 are satisfied. It is intended that the status of these sites would be reviewed through the next local development plan.

76. However, in our consideration of Issue 3 we conclude that Policy 1.11 is not required, since there is a recently granted planning permission for the development at An Camas Mòr, and sufficient alternative sites to maintain an adequate housing land supply even if

the new settlement at An Camas Mòr were not to deliver houses within the Plan period.

77. In our recommendations under Issue 3 we have therefore concluded that Policy 1.11 should be deleted. It follows that sites LTH1 and LTH2 should be removed from the proposals for the Strategic Settlement of Aviemore on Page 96, and from the settlement map on Page 91 of the Proposed Plan.

78. Accordingly, I do not require to consider: whether the proposed long-term housing sites should be reduced in size or brought forward at an earlier date; whether LTH1 and LTH2 would require a masterplan to address any potential impacts on European natural heritage designations; and whether the Proposed Plan should take greater account of the ancient woodland adjacent to the site, and the regulated activities on adjacent land.

79. However, in relation to the representations under Issue 7, I agree with the Rothiemurchus Estate and An Camas Mòr LLP that the LTH sites lack many of the advantages of the proposed sustainable settlement at An Camas Mòr, which has considerable support in the local community (including Aviemore and Vicinity Community Council). The settlement there would ultimately accumulate the critical mass to be self-sufficient, providing 1,500 houses (including urgently needed affordable housing), a school and other community facilities, employment and recreational opportunities.

80. In contrast, the development of up to 400 houses at LTH1 and LTH2 is unlikely to achieve self-sufficiency; rather, it would extend the built-up area of Aviemore northwards, further (2km) from the town centre. There is no indication on Page 96 of the Proposed Plan that the LTH sites would be expected to provide any community, recreation or education infrastructure, in which case they would be likely to add to the existing pressure on Aviemore's facilities and services.

81. As discussed above, an integral part of the An Camas Mòr proposal is the commitment to implement mitigation measures (through a Recreation Management Plan) to ensure that the development would not have an adverse impact on the integrity of the nearby Special Protection Areas, through recreational disturbance to capercaillie.

82. I note that there is no such requirement in the Proposed Plan in connection with the long-term housing sites in North Aviemore, which I find surprising given that the LTH sites are closer than An Camas Mòr to the Kinveachy Forest SPA. Indeed, the HRA of the Proposed Plan required the SPA to be taken into consideration when developing proposals for the sites, and advised that the Plan should require the provision of appropriate mitigation measures.

83. It is not certain that the (as yet largely untested) LTH sites would be delivered more quickly than the equivalent proportion of An Camas Mòr. I appreciate that An Camas Mòr requires the construction of substantial infrastructure including a foot/cycle bridge over the River Spey, but that scheme is far more advanced in the planning process, having already gained planning permission in principle following an extensive assessment including an Environmental Assessment, specific Habitats Regulations Appraisal, Flood Risk Assessment, Transport Assessment and Sustainability Appraisal.

84. In any case, Condition 8 of the planning permission in principle states that no more than 199 houses shall be occupied before the completion of the footbridge, which suggests the bridge should not present an obstacle to the commencement of the scheme.

85. More generally, I can see no need for the Proposed Plan to identify sites in North Aviemore to set out the town's 'preferred direction of growth', when land has already been set aside for the establishment of a new strategic settlement at An Camas Mòr, of which more than 1,200 houses are expected to remain to be built after 2030.

86. Consequently, as already stated, I propose to recommend that sites LTH1 and LTH2 should be removed from the proposals for the Strategic Settlement of Aviemore on Page 96, and from the settlement map on Page 91 of the Proposed Plan.

#### Grantown-on-Spey – Settlement map and settlement objectives

87. Figure 10 and page 76 of the National Park Partnership Plan identify the "Strathspey Steam Railway extension" to Grantown-on-Spey as one of the key capital investment priorities for visitor expenditure in the National Park. One of the Proposed Plan's settlement objectives for Grantown-on-Spey is to "support opportunities to increase the attraction of Grantown-on-Spey as a tourist and recreation destination, particularly the Speyside Railway extension". The National Park Authority accepts that this should refer to the 'Strathspey Railway', and I propose to recommend a modification to that reference accordingly.

88. I note that the settlement map for Grantown-on-Spey shows the indicative line of the railway as a broken white line running south to north which skirts the western boundary of the settlement. It is clear from the representation and plan submitted by Strathspey Railway Charitable Trust that the line indicated on the settlement map is materially different from the Trust's proposals, which show the line following a route adjacent to the current edge of the town. There is little scope to vary the route of the railway, because of the need to tie the old and new sections of the line and the constraints of horizontal and vertical geometry.

89. It is important that the settlement map accurately reflects this key National Park investment priority. The National Park would not object to an amendment to correct the settlement map, and I intend to recommend that modification to the Proposed Plan. I address the Trust's further point about the implications for the boundary of the economic development land in my discussion of ED1 below.

90. However, the error in the labelling of housing site H2, wrongly shown as H1 on the settlement map, and the revision to the boundary of the conservation area, are minor matters for the National Park Authority to correct in the adopted version of the Plan.

#### Grantown-on-Spey - Developer Obligations

91. I agree with the National Park Authority that there is no need to expand the reference to 'Other infrastructure considerations – Waste Water Treatment Works capacity' to refer to Scottish Water's pre-development enquiry form. That level of detail is more appropriately addressed in the Authority's guidance notes, rather than the local development plan.

#### Housing in Grantown-on-Spey

92. I appreciate the concern of Grantown-on-Spey and Vicinity Community Council (GSVCC) about the lack of affordable housing in the town, and the impact on the staffing of businesses and services. However, I am satisfied that the Proposed Plan is taking

steps to address that issue. One of the settlement objectives on Page 110 is to support the delivery of housing that meets local needs, and sites are allocated in Granttown-on-Spey to provide more than 100 houses, at least 25 of which are required to be affordable.

93. I am not convinced that sufficient affordable units could be created in existing premises in the town centre to meet that demand, though the conversion and improvement of flats in and around the High Street might make a contribution.

94. I conclude that there is no need to modify the Proposed Plan in response to the representation from GSVCC.

#### Granttown-on-Spey H2: Castle Road

95. This site on the northern edge of the town encompasses an area of 3.6 hectares to the northwest, west and south of the hospital/health centre on the western side of the A939 Castle Road. The northern part of the site is well screened from the A939 by ancient woodland on higher ground, whereas the southern part is more open to view. The site is predominantly low-lying rough grazing land, but it is crossed by informal footpaths and is evidently used by walkers and for exercising dogs.

96. The southern part of this site is allocated for the development of 20 houses in the currently adopted 2015 Local Development Plan. There remains a requirement for additional housing in Granttown-on-Spey, especially affordable housing. The proposed allocation of site H1 for the development of 50 houses offers the opportunity to provide 12 or 13 affordable houses, which is a significant number in this context.

97. The site is within walking distance of key facilities, as it lies adjacent to local health services, and within 300 metres of the high school, 600 metres of the primary school, and 500 metres of the town centre shops.

98. I do not agree that the proposal (and in particular the southern section) should be deleted from the Proposed Plan, or that development should be confined to the north-east section of the site. In landscape and visual terms, the proposed H2 site is well contained by the woodland to the north, the road to the east and the current edge of the built-up area to the south. There is a housing estate opposite the southern part of the site, and the northern part is viewed in the context of the complex of buildings at the community hospital and health centre. A number of protected open spaces are shown on the settlement map for Granttown-on-Spey, including a children's play area nearby at the junction with Mossie Road.

99. H2 is relatively level site, which could be readily accessed by a new junction with the A939, and I would not expect the development to incur abnormal costs.

100. On my site visit I noted an area of boggy ground to the west of the hospital, but this issue was recognised in the site assessment report and would be addressed in the proposed drainage impact assessment. It would be a matter for the potential developers to address any unfavourable ground conditions. The land is not designated for nature conservation interest, and on the basis of the site assessment report, there does not appear to be a significant constraint to development on the grounds of sensitive ecology or habitats. The proposed site density is low, which would enable the layout to avoid any area that proved unsuitable for development.

101. Because SEPA advises that a full flood risk assessment may not be required for the development, I propose to recommend the adoption of the Agency's suggested amended wording for the site-specific guidance.

102. However, I am not persuaded that there is the justification for identifying an extensive area of land to the west of H2 for 'future' or 'long term' housing, as the landowner suggests. I consider that in combination with site H1 (53 units), the Proposed Plan provides an ample supply of housing in Grantown-on-Spey to help meet the housing land requirement for Badenoch and Strathspey during the Plan period. It would be a matter for the next review of the local development plan to decide how any unmet housing need in the area should be addressed.

103. In relation to the representation by Woodland Trust Scotland, I note that the ancient woodland lies outwith the site. The site-specific guidance states that: "Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and ancient woodland to the north of the site." As I read it, the guidance is seeking the integration of the landscaping of the development with the ancient woodland behind, which is a sensible objective. I therefore do not propose to recommend a modification to the guidance in response to the WTS comments.

#### Grantown-on-Spey ED1: Woodlands Industrial Estate

104. The Woodlands Industrial Estate is a traditional industrial estate on the southern edge of the town. Its premises house a range of businesses including meat processing, plant contractors, vehicle body repairs, and building supplies. The buildings are a mix of old and new prefabricated structures. The road serving the northern section is surfaced but lacks footways, which lends a somewhat neglected appearance to parts of the industrial estate.

105. There appears to be some scope for further economic development within the site area, and I consider that the site description on Page 112 of the Proposed Plan, which makes clear that any future proposals should seek to enhance the area and its surroundings, is an appropriate response to the concerns expressed by Equal Adventure (S Paul) on that point. No modification is required to the Proposed Plan therefore.

106. Strathspey Railway Charity Trust (SRCT) highlights the question of what would happen to the land to the west of the proposed heritage railway extension, which is within the ED1 allocation. The northerly section of that land is to be conveyed to the Trust by Highland Council for railway purposes (i.e. the running line, sidings and construction access), but the narrow triangular field to the south which is identified for economic development purposes is potentially landlocked. The vehicle access to that field would cross the railway line, and the Trust's representation doubts that a level crossing would be authorised to serve this small area of economic development land.

107. I share SRTC's concerns on this point, but rather than altering the boundary of the allocation, I consider that the descriptive text on Page 112 should make clear that ED1 has limited spare capacity for further economic development, restricted to vacant land and premises to the east of the (corrected) indicative line of the railway, and that any future proposals should safeguard the railway extension proposal. I propose to recommend a modification to the Proposed Plan accordingly.

108. SRTC also suggests that the second part of the site-specific guidance on Page 112

is in error. This refers to the enhancement of small watercourses which have historically been straightened, and to a water trunk main which runs through the site.

109. I can find no reference to these constraints in the SEA Environmental Report, which merely records that the “site is affected by small patches of the medium probability surface water flood zone”, and advises that: “A Drainage Impact Assessment is required and should address existing surface water flooding issues.” The latter requirement forms the first part of the site-specific guidance on Page 112.

110. The Proposed Plan Action Programme merely re-states the requirement for ED1 which is noted in the SEA Report (and repeated in the first part of the site-specific guidance for ED1 in the Proposed Plan).

111. SRCT is unaware of any watercourses crossing ED1, and points out that the wording relating to straightened watercourses and a water trunk main is identical to the site-specific guidance for a different site on Page 114 of the Proposed Plan. Unlike site ED1, the site for the future terminus for the Strathspey Railway extension (C2) appears to fit the detailed description set out in the site-specific guidance.

112. I conclude that the reference to the enhancement of small watercourses running through the site is likely to have been inserted in error, and I propose to recommend that it be deleted from the site-specific guidance for ED1. In any case, the Drainage Impact Assessment would address any relevant issue that came to light.

#### Grantown-on-Spey T1: Caravan Park

113. The T1 designation recognises this established caravan park on the northern edge of the town, which provides timber lodges, static caravans and touring pitches on an extensive site of more than 11 hectares. The north boundary of the site is marked by the wooded embankment of the former Highland Railway, now a popular long-distance footpath (the Dava Way).

114. I understand the anxiety of Woodland Trust Scotland and BSCG to protect any ancient woodland within the site and maintain the land’s importance for landscape, recreation and biodiversity. However, it is apparent that the site is already substantially developed with only vestiges of the original woodland remaining, mainly around the railway embankment, and very limited land is left for recreation or ecology.

115. I note that the site-specific guidance requires landscaping and structure planting to integrate with ancient woodland on and adjacent to the site, but I consider that it should also aim to protect any remaining ancient woodland, and I propose to recommend a modification to the guidance along those lines. That would be consistent with the commentary in the SEA Report that: “Mature pines on the face of the slope below the railway line are an important part of the backdrop and setting for the town, and contribute to its special landscape properties.”

116. SEPA advises that a full flood risk assessment may not be required for the site, and I therefore propose to recommend a modification to the terms of the site-specific guidance accordingly.

#### Grantown-on-Spey C2: Strathspey Railway extension

117. As previously stated, the Strathspey Steam Railway extension to Grantown-on-Spey is recognised as one of the key tourism projects in the National Park. SRCT consider that the site now proposed for the railway terminus at C2 is an improvement on the previous one at ED1, since it is closer to the town centre and is in a more attractive location.

118. The C2 site comprises a relatively level grazing field, to the south of the T1 caravan park, and below the former railway embankment. Apart from the flood risk, which is dealt with in the site-specific guidance, there appear to be few constraints to development.

119. BSCG's concern about the possible impact on otters associated with the River Spey SAC is addressed in Table 4 of the Proposed Plan, which requires that a full survey is undertaken to determine if there are otters in the vicinity of the development, and that a Species Protection Plan ensures any identified effects are eliminated. There is therefore no need to modify the Proposed Plan in response to the representation by BSCG.

120. The National Park Authority supports the amendment of the references from 'Speyside Railway' to 'Strathspey Railway', and I shall recommend that this be incorporated as a modification to the Plan.

#### Grantown-on-Spey allotments

121. Willow Tree Allotments Association is disappointed that no site is allocated for allotments in Grantown-on-Spey. The Association has secured planning permission for allotments on land at Mossie Road, adjacent to site C1: Mossie Road – Allocated for Community Uses (which adjoins the children's play area referred to in the discussion on site H2 above).

122. The question as to whether the Proposed Plan should seek developer contributions towards the provision of allotments is a separate matter, discussed in Issue 6. However, I note that the National Park Authority accepts within Issue 7 that allotments fall within the range of community facilities which might be eligible under Paragraph 4.158.

123. Under the current Issue I need to consider whether the proposed allotment land should be designated for community use. Paragraph 4.100 of the Proposed Plan recognises allotments as one category of 'public and amenity open spaces' which are subject to the provisions of Policy 8: Open Space, Sport and Recreation.

124. I find that paragraph 227 of Scottish Planning Policy is unequivocal on the matter:

“Local development plans should safeguard existing and potential allotments sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand.”

125. The land with planning permission at Mossie Road is a potential allotments site, and there is proven demand in the area, since there is an established waiting list for allotments in Grantown-on-Spey. I conclude that the area with planning permission for allotments at Mossie Road should be allocated for community uses in the Proposed Plan, and recommend a modification accordingly.

#### Kingussie - General comments

126. The need for affordable/rented housing for local people, which is highlighted in the

representation by A Schofield, is recognised on Page 117 of the Proposed Plan. One of the settlement objectives for Kingussie is to support the delivery of housing to meet local needs, particularly affordable housing. The first developer obligation is that all housing developments should include 25% affordable housing. Site H1 is allocated for 300 units, which would include 75 affordable homes applying the affordable housing ratio.

127. A Schofield also draws attention to the need for small, start-up type industrial units. In that regard, I note that the settlement objectives include support for proposals for business development, growth and diversification. Policy 2.4 Other economic development indicates that developments that contribute to the provision of an identified local economic need, such as the provision of small business units, will be particularly encouraged.

128. I am therefore content that both points are already addressed in the Proposed Plan, and that no modifications are warranted in response to this representation.

#### Kingussie - New community site

129. St Vincent's Hospital is still in operation and is likely to remain so for some time, and hence there is no necessity at this stage to consider any possible future use of the site and buildings. It lies on a restricted site, and the access via Gynack Road is lengthy, narrow and circuitous, which might limit the alternative uses of the hospital premises. I therefore agree with the National Park Authority that it would be premature to modify the Plan to allocate the site for community uses.

#### Kingussie - Developer obligations

130. Although A Schofield advises that the medical centre in Kingussie is already at capacity, NHS Highland has not asked for contributions towards healthcare facilities in the town within the developer obligations listed on Page 117. On that basis, it would not be appropriate to modify the Proposed Plan as suggested in the representation.

131. I agree with the National Park Authority that there is no need to expand the reference to 'Other infrastructure considerations – Waste Water Treatment Works capacity' to refer to Scottish Water's pre-development enquiry form. That level of detail is more appropriately addressed in the Authority's guidance notes, rather than the local development plan.

#### Kingussie H1: Land between Arbroilach Road and Craig an Darach

132. This extensive site of almost 20 hectares comprises a series of fields which wrap around the north-eastern perimeter of Kingussie. The land is elevated above the existing town, and is contained between housing to the south and west, ancient woodland to the north, and the A9 to the east.

133. The site is identified as an existing consent in the currently adopted Local Development Plan 2015. The planning permission in principle for the phased development of 300 dwellings, economic development uses and community uses has recently lapsed, but there is still an extant consent for part of the development at its west end. I conclude that there is an established commitment to permit housing development on the land, and that the principle of residential development on site H1 is not open to challenge at this stage.

134. The most recent planning permission referred to the “planning permission in principle for masterplan for phased development of 300 houses”, so I can see no justification for changing the indicative residential capacity to “up to 300 houses” as suggested by A Schofield. As the National Park Authority says, 300 houses on the land would represent a relatively low density of around 15 units per hectare, in keeping with neighbouring developments.

135. However, there is clearly a need to revise the site description to reflect the change in circumstances since the expiry of the planning permission in principle. I therefore propose to recommend the adoption of the amended wording on the matter to require the submission of a master plan, as suggested by the National Park Authority.

136. I note the suggestion by Woodland Trust Scotland that the site-specific guidance should include the requirement to include a buffer between the development and the ancient woodland to the north. However, on this substantial site I would expect that there would be ample space to accommodate the development and its associated landscaping without threatening the neighbouring woodland. I conclude that there is no need to amend the guidance as WTS suggests.

#### Kingussie ED1: Council Depot and ED2: McCormack’s Garage

137. The Proposed Plan allocates two sites in Kingussie for economic development purposes, with a total area of 1 hectare. ED1 (0.9 hectares) is the council depot at Market Lane, and ED2 (0.1 hectares) is a commercial garage on the western edge of the town. The council depot lies within a small cluster of established industrial and business premises to the south of the railway, whereas the garage site at ED2 is freestanding, with little potential for expansion.

138. I can understand why Highlands and Islands Enterprise might regard these economic development allocations as somewhat meagre in a town which is scheduled for major expansion. Site H1 is envisaged to add a total of 300 units to the housing stock in the longer term, of which 110 houses are programmed to be built by the end of the Plan period.

139. Although site H1 is stated as having capacity for economic development as well as housing, the housing density of 15 units per hectare referred to above assumes that the total site area is available for housing, which suggests that there may be less scope for economic development within that site.

140. I therefore consider that the economic development allocation at ED1 should be widened to encompass the neighbouring businesses which take access from Market Lane. I propose to recommend a modification to the Proposed Plan along those lines.

141. However, I am unable to recommend that the allocation be extended to take in the Kingussie Industrial Estate on the opposite side of the railway, as R Ormiston suggests, since that site has not been the subject of consultation during the preparation of the Proposed Plan and I have no information on site parameters and constraints. I am surprised, though, that this existing industrial estate was not allocated in the Proposed Plan, in common with similar industrial estates in Aviemore, Grantown-on-Spey, Newtonmore, Carr-bridge and elsewhere.

142. Given that the industrial area to the north of the railway is not allocated for economic development, I see no need to specifically identify Highland Horse Fun for tourism purposes. The existing use there, together with the neighbouring economic development uses, would fall to be protected by Policy 2.5 Protecting existing economic activity of the Proposed Plan. This policy states that proposals for alternative use of non-allocated sites currently used for economic or tourism purposes will only be supported where it is impractical or undesirable for them to continue.

143. I also intend to recommend the adoption of SEPA's proposed amendment to the wording in respect of flood risk at ED2 to make it clear that it lies adjacent to the site and does not surround it.

144. I agree with the National Park Authority that there is no need for the Proposed Plan to refer to the need to contact Scottish Water for asset protection guidance. That is a standard procedure, and not a matter for the local development plan.

#### Kingussie T1: Caravan Park

145. The Kingussie Golf Club Caravan Park is a long-established caravan and camping site which is set in pine and birch woodland at the northern end of Gynack Road. The proposed T1 allocation for tourism includes an undeveloped area to the south of the existing holiday chalets. Woodland Trust Scotland points out that this undeveloped area and the area surrounding the site are ancient woodland.

146. I appreciate that the caravan park is an important tourism business in the town which should be retained for tourism purposes, and I therefore do not agree that the allocation should be removed.

147. However, any potential expansion of the portion of the site which is occupied by caravans and hardstandings would need to take account of the requirement to protect ancient woodland which is recognised in national policy and in Policy 4.3 Woodlands of the Proposed Plan. I do not consider that the existing terms of the site-specific guidance, which requires "integration of the development with the surrounding landscape and ancient woodland surrounding the site" achieves that aim.

148. Accordingly, I propose to recommend that the site-specific guidance be modified to ensure that the allocation includes adequate safeguarding for the ancient woodland within and adjacent to the site.

#### Kingussie - Other matters

149. The suggestion that council tax for second homes should be raised substantially to make more houses available for local people is not within the scope of the Local Development Plan or this examination.

#### Newtonmore H1: Land between Perth Road and Station Road

150. This substantial, prominent site of almost 12 hectares on the southwestern edge of Newtonmore is allocated for 120 units. There is already planning permission for 81 dwellings on part of the site.

151. It is evident from the representation by P Duncan, which includes photographs, that

there is a problem of flooding on the land, especially on the lower part of the site. The site-specific guidance for the site recognises that there is a medium to high probability flood risk in the southern part of the site, and requires a flood risk assessment to identify the developable area for any further development proposals. The guidance also indicates that a drainage impact assessment may be required to address surface water flooding, and that sewer mains run through the site.

152. I would expect that such an extensive site should be able to satisfactorily accommodate the additional housing proposed, together with any necessary SuDS works, whilst protecting the sewer and reserving the areas prone to flooding for landscaping to mitigate the landscape and visual impact of the development. I therefore do not propose to recommend that the site be deleted from the Proposed Plan as suggested.

153. I do not consider that it is necessary to expand the reference to the sewer mains in the site-specific guidance to advise developers to contact Scottish Water for asset protection guidance. It is standard practice for potential developers to make contact with the relevant utilities including Scottish Water, and it is not a matter for the local development plan.

154. I note that the representation from M Slaney refers to the undeveloped economic development land at site ED2 (discussed below), and not to the housing allocation at H1.

#### Newtonmore ED2: Industrial Park

155. This site is an established industrial park next to the railway station on the southern edge of Newtonmore, which houses a wide range of manufacturing and storage activities. The ED2 allocation covers the existing industrial estate, together with an area of undeveloped land to the north.

156. The site is accessed from the main Perth Road by means of Station Road and the industrial estate road, which currently terminates in front of a large unit at its north end. It is not clear how the apparently landlocked land to the north of the industrial park would be satisfactorily accessed. As Newtonmore and Vicinity Community Council points out, the alternative access via Golf Course Road and Craigmhor Road is unsuitable for heavy traffic due to restricted visibility and narrow carriageways.

157. I therefore propose to recommend the insertion of an appropriate caveat within the description of the allocation which highlights the need for any extension to the industrial park to achieve a safe and convenient access. On that basis, I see no need to recommend the removal of the allocation from the Proposed Plan.

158. The National Park Authority is content with SEPA's suggested amendment to refer to 'medium to high' flood risk, and I propose to recommend the necessary modification.

159. With reference to the representation by M Slaney, I note that any new developments will be subject to a flood risk assessment or similar, and a drainage impact assessment. Any other constraints on the land would require to be addressed at the planning application stage.

#### Newtonmore – Other matters

160. I note the request by Highlands and Islands Enterprise (HIE) to consider allocating

more land for economic development in Newtonmore. However, the Proposed Plan allocates a total of 5.3 hectares for that purpose, including an area at ED1 to the rear of the transport café on the Perth Road. Without an appraisal of the demand for and supply of economic development land in the village, or any indication of other potential sites, I am unable to conclude that additional sites are required.

161. I conclude that the Proposed Plan does not require to be modified in response to the representation by HIE.

### **Reporter's recommendations:**

1. Modify the site considerations at Aviemore H2: Dalfaber on Page 93 by adding the following requirement:

“The landscaping of the site requires to include the retention and enhancement of the undeveloped area of land to the south-east of Heather Cottage, Corroul Road.”

2. Modify the site considerations at Aviemore M1: Aviemore Highland Resort on Page 94 by revising the third consideration to read:

“Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and ancient woodland on and adjacent to the site. In particular, account should be taken of views into and out of the site.”

3. Modify the site description of Aviemore ED1: Dalfaber Industrial Estate on Page 97 by adding the following text after the first sentence:

“The estate will be restricted to activities within Use Classes 4, 5 and 6 and certain appropriate sui-generis uses, which will be considered on a case by case basis, to ensure that an effective economic land supply is maintained in the area.”

4. Modify the site considerations at Aviemore ED1: Dalfaber Industrial Estate on Page 97 by revising the second consideration as follows:

“Landscaping will be required to ensure integration of the development with the surrounding landscape and ancient woodland to the north of the site.”

5. Modify the site considerations at Aviemore ED2: Myrtlefield Industrial Estate on Page 97 to read as follows:

“Opportunities exist for small economic growth to complement the existing Myrtlefield Industrial Estate and any new developments should also seek to enhance the area and its surroundings, and to respect the amenity of neighbouring residential properties.”

6. Modify the site considerations at Aviemore ED3: Granish on Page 98 to read as follows:

“Landscaping and structure planting will be required to ensure buffering and integration of the development with the surrounding landscape and ancient woodland to the north of the site. The ancient woodland in particular must be

protected from potential impacts of economic development.”

7. Modify the site description of Aviemore C1: Land at Dalfaber Drive on Page 99 to read as follows:

“Land at Dalfaber Drive between the Aviemore Joint Cadet Centre and Main Railway Line provides an important community resource and will be protected for community use.”

8. Modify the site considerations at Aviemore C2: Former School Playing Fields on Page 99 to read as follows:

“Medium to High probability of flood risk on the site. Depending on the proposed use of the site, a Flood Risk Assessment or other supporting information may be required.”

9. Modify the site description of An Camas Mòr on Page 101 to read as follows:

“The settlement of An Camas Mòr will be a new sustainable community. With links to the Aviemore community, the people living in An Camas Mòr will form a community of their own which is inclusive and vibrant with a demographically balanced population.

The consent forms a strategic part of the overall housing land supply for the Badenoch and Strathspey part of the National Park. While it is likely to take many years to be completed, it will then be a strategic settlement. In the short term, An Camas Mòr will rely on the services of Aviemore, however it will progressively relieve pressure from the existing settlement, becoming a new community in its own right.”

Settlement Objectives:

- To deliver An Camas Mòr as a new settlement which will, on completion hold a strategic role in this part of the National Park.
- To ensure the new settlement acts as a focus for growth serving the wider Badenoch and Strathspey area.
- To develop a community of up to 1,500 homes developed over time which relieves pressure for new development currently focusing on Aviemore.
- To demonstrate innovation in design and sustainable construction and living.
- To encourage opportunities for partnership working in the overall development of the settlement.”

10. Modify the text relating to the Recreation Management Plan on Page 102 to read as follows:

“A Recreation Management Plan (RMP) will be required. The RMP must detail sufficient and robust measures to ensure that the proposed development will not result in any adverse effect on the integrity of any European site.”

11. Modify the Proposed Plan by deleting sites LTH1 and LTH2: North Aviemore from the Aviemore settlement map on Page 91, and from the proposals for the Strategic Settlement on Page 96.

12. Modify the settlement objectives for Grantown-on-Spey by replacing the reference to

'Speyside Railway' with 'Strathspey Railway'.

13. Modify the settlement map for Grantown-on-Spey by amending the indicative route of the Strathspey Railway extension to accurately reflect the line shown on Document RD012 submitted by the Strathspey Railway Charity Trust.

14. Modify the site considerations at Grantown-on-Spey H2: Castle Road on 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"

15. Modify the site description of Grantown-on-Spey ED1: Woodlands Industrial Estate on Page 112 by replacing the second and third sentences with the following:

"It is largely developed and in operation with some limited capacity for future economic development to the east of the proposed Strathspey Railway extension. Any future proposals should complement existing uses, safeguard the railway extension proposal and seek to enhance the area and its surroundings."

16. Modify the site considerations at Grantown-on-Spey ED1 on Page 112 by deleting the second and third sentences.

17. Modify the site considerations at Grantown-on-Spey T1: Caravan Park on Page 113 in respect of flooding to read:

"Medium to high probability of flood risk adjacent to the site. Further development or any proposed increase in caravan numbers will require a Flood Risk Assessment or other supporting information to identify the functional floodplain and developable area."

18. Modify the site considerations at Grantown-on-Spey T1: Caravan Park on Page 113 in respect of landscaping to read:

"Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape. Any future development will require to protect ancient woodland on and adjacent to the site."

19. Modify the references within the site description of Grantown-on-Spey C2: Strathspey Railway extension on Page 114 from "Speyside Railway" to "Strathspey Railway".

20. Modify the Proposed Plan by allocating the land at Mossie Road, Grantown-on-Spey with planning permission for allotments for Community Uses: Allotments, as indicated with a red dotted line on the plan entitled 'allocate new site adjacent to C1 with permission for allotments' produced by the National Park Authority.

21. Modify the site description of Kingussie H1: Land between Ardbroilach Road and Craig an Darach on Page 118 to read:

"The site has capacity for a phased development of 300 dwellings with opportunities for economic development and community uses. Any future proposals on the site will need to be supported by a masterplan."

22. Modify the boundary of Kingussie ED1: Allocated for Economic Development shown on Pages 116 and 119 to encompass the neighbouring businesses which take access from Market Lane, as indicated with a dotted red line on the plan entitled 'additional land, extend ED1' produced by the National Park Authority.

23. Modify the site considerations at Kingussie ED2: McCormacks Garage – Allocated for Economic Development by amending the first sentence on Page 119 in respect of flooding to read: "Medium to High probability flood risk lies adjacent to the site."

24. Modify the site considerations at T1: Kingussie Golf Club Caravan Park – Allocated for Tourism on Page 120 to read as follows:

"Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and to protect the ancient woodland within and surrounding the site."

25. Modify the site description of Newtonmore ED2: Industrial Park on Page 126 to read:

"The existing industrial estate/business park will be protected and developments which consolidate the economic provision of this site will be supported providing they demonstrate that a safe and convenient access can be achieved."

26. Modify the site considerations at Newtonmore ED2: Industrial Park by amending the first sentence on Page 126 in respect of flooding to read:

"Medium to high probability flood risk exists over a large part of the site."

<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> Elspeth Cook	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>			
<p>002      Anonymous  010      P Lawrence  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</p>			

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</p>		

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.

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 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:**

Introduction

1. Issue 8 focusses on 2 settlements in the Aberdeenshire part of the National Park – Ballater and Braemar. A third settlement at Dinnet is considered under Issue 11. As a result of the modifications to the housing supply target arising from the updated shortfall figures dealt with in Issue 3, Policy 1 New Housing development, there is a consequential increase in the housing land requirement for the Aberdeenshire part of the National Park. The housing land requirement is now 83 units for 2020-2024, 54 units for 2025 – 2029 and an indicative figure of 94 units for 2030-2039. Land for 137 units is required over the 10 year plan period.

2. The response from the National Park Authority to further information requests results in some adjustment to the effective supply expected for each plan period at H1 in Ballater, H1 in Braemar, H5 in Braemar and H1 in Dinnet. These changes are sufficient to address the slight increase in the housing land requirement for the Aberdeenshire area and the updated totals are set out in the table below.

<b>Aberdeenshire Area</b>	<b>2020-2024</b>	<b>2025-2029</b>	<b>2030-2039</b>	<b>Total</b>
Housing Land Requirement	83	54	94	231
Effective Supply	152	131	80	363
Surplus/shortfall	+69	+77	-14	+132

3. My assessment of the housing related matters in this issue therefore takes into account the surplus in effective supply in both the first and second plan periods in the Aberdeenshire part of the National Park.

Ballater – General comments

4. There is one significant new development site in Ballater at Monaltrie Park and this is addressed in detail below. Although identified as a housing site the allocation does not preclude the addition of business and community uses. J Angus supports the provision of mixed use developments that could accommodate small business units and I find there is some potential for this at Monaltrie Park. Furthermore Policy 2.4 Other Economic Development encourages the provision of small business units and this would include the type of workshops that J Angus describes. On this basis there is no need to modify the plan.

5. Cromar Community Council prefers future housing growth in Ballater to be limited to brownfield sites within the settlement but accepts some limited housing development in the Monaltrie Park area may be required. In doing so they recognise that physical and landscape constraints limit the location and direction of future expansion of Ballater. With no evidence of the scale of brownfield sites that may come forward (with the exception of

the school redevelopment) I consider it may not be prudent to rely on this approach as a means of meeting the housing land requirement in the first plan period or beyond.

6. Scottish Planning Policy 2014 (SPP) in paragraph 120 requires the local development plan to provide an indication of the possible scale and location of the housing land requirement beyond year 10 and up to year 20. The indicative capacity of 250 units at H1, Monaltrie Park, includes a proportion of units intended to meet the need for longer term housing growth in Ballater. As a strategic settlement, Ballater is expected to accommodate much of the housing growth for the Aberdeenshire part of the National Park so acknowledging the longer term potential of this site ensures that the wider impacts of developing here are considered from the outset. I return to this in more detail under the separate headings below but I am satisfied that the principle of setting out the future growth potential of this area complies with the requirements of SPP.

7. Concerns are expressed regarding the impact of new houses on the limited employment opportunities in Ballater. The factors influencing the need or demand for new housing are complex and include not just inward migration but demographic change such as an aging population and a decrease in the average household size. I consider the most up to date housing land supply target and housing land requirement figures demonstrate a modest rate of growth that responds to the current or anticipated economic or employment conditions in the area and, importantly, address the current shortage of affordable housing. No modification is required.

8. Following on from my conclusions under Issue 3 I am satisfied that there is a need to allocate land for housing development in the Aberdeenshire part of the National Park. I address the concerns regarding the scale and location of the individual housing allocations in Ballater and Braemar below.

#### Ballater Settlement objectives

9. It is evident that the range of matters addressed by the settlement objectives in the Proposed Plan reflect the particular priorities for each community. I share B Wright's sentiment regarding the maintenance of Ballater as "a pleasant place to live and work" but such a goal is not unique to that community. The protection and enhancement of the quality of the built and natural environment underpins the 2017 Partnership Plan and the Proposed Plan so it does not need to be singled out as a settlement objective for Ballater.

10. The 2017 Partnership Plan recognises that increasing the amount of housing that meets local needs (including new affordable housing) and reducing the number of second homes is important. The National Park Authority has no direct control over the allocation policies of affordable housing providers and cannot prevent existing or new mainstream housing from becoming second homes. However I am satisfied that the Proposed Plan, through Policies 1.4 Designing for Affordability, 1.5 Affordable Housing and 1.6 Affordable Housing Exception Sites, addresses these issues as far as current legislative provisions and national policy allow.

#### Ballater H1: Monaltrie Park - Introduction and general observations

11. Ballater is located at a U-shaped bend in the River Dee and this constrains future expansion of the town to the south, east and west. A wooded hillside (Craigendarroch) limits growth of the settlement to the north. The flat agricultural land to the north-east is less constrained by natural or manmade features and has the potential to accommodate

an expansion of the town.

12. Monaltrie Park is a triangular shaped sports field with an equipped play area, a multi-use games pitch, toilets, changing rooms and car parking. Storage sheds lie immediately to the south and are accessed from the park. These are used by the Ballater Highland Games organisation which holds its annual event here. A fence divides the park from the adjacent agricultural land allowing the Highland Games facilities (mostly parking) to extend temporarily into this area. Vehicular access to the park is from Provost Craig Road.

13. A listed building, Monaltrie House, sits in mature woodland to the north east of the town. Its south eastern boundary is marked with a timber fence and a masonry entrance gate. The house is only partially visible from Monaltrie Avenue through the open gateway.

14. An area of undeveloped grassland lies between the driveway to Monaltrie House and the housing at Monaltrie Close. It is divided from the adjacent agricultural land by a small embankment. It is currently protected as open space in the 2015 Local Development Plan and contains a number of mature trees, a densely planted woodland strip along the northern boundary of Monaltrie Close and a small group of recently planted fruit trees. Unsurfaced, but well used, footpaths pass through this area.

15. The current settlement boundary in the 2015 Local Development Plan encloses the land between Monaltrie Park, Monaltrie House, Monaltrie Way/Close and Pannanich Road. The current 2015 allocation, H1 Monaltrie Park, lies in this area. The Proposed Plan retains the same settlement boundary but seeks to adjust the boundary of the H1 allocation. Housing development is now proposed on the area of open space next to Monaltrie House and a new area of open space is proposed in the eastern corner of the site. The indicative capacity of 250 units remains as does the expectation that the housing development will allow for an eastern expansion of Monaltrie Park.

16. There is no direct vehicular access into H1 from a public road however there are a number of streets and footpaths that offer potential vehicular and pedestrian connections. The footpath along the northern edge of the park offers a number of links onto Monaltrie Avenue and the countryside to the north-east. Deeside Way, the long distance footpath that follows the redundant railway line along the southern edge of the park, provides links into the town centre, Pannanich Road and the A93 via a woodland path.

17. The site requirements for H1 set out a number of matters that will need to be addressed and these include flood risk, integration of the development with the surrounding landscape, protection of the woodland/orchard, protection of the setting of the listed building, enhancement of open space, integration with existing footpath networks, finalisation of the boundaries between built development and open space, maintenance of adequate parking for the Highland Games and the provision of a masterplan for the whole site. A Preliminary Concept Masterplan has been submitted as part of the representation from Invercauld Estate, the land owner.

#### Ballater H1: Monaltrie Park - Principle and scale

18. As set out above the Proposed Plan provides a generous supply exceeding the housing land requirement for the Aberdeenshire area of the National Park but it is reliant to a significant extent on the contribution from H1 Monaltrie Park to achieve this.

19. Although other housing allocations for Aberdeenshire are proposed in Braemar and

Dinnet these are not strategic settlements. Whilst some housing growth is expected in these settlements the development strategy (set out in Paragraphs 3.8 to 3.10 of the Proposed Plan) expects growth in Braemar to be “at a more modest scale” than a strategic settlement. In Dinnet, a rural settlement, housing growth is aimed at meeting local needs. I find diverting a larger proportion of the housing land requirement to these settlements would not reflect the development strategy of the Proposed Plan.

20. The strategic settlement of Ballater is expected to accommodate much of the housing land requirement for Aberdeenshire in line with the development strategy. Brownfield or windfall developments, such as the 26 units at the former school redevelopment C1 or the Band Hut site suggested by S Barns, may come forward but there is no data to suggest that such contributions would be sufficient to meet the housing land requirement in the first or subsequent plan periods.

21. The further information received in June 2020 now indicates that the landowner for H1 Monaltrie Park, Invercauld Estate, has made significant progress with this site, including securing the interest of a house builder. The Estate are now confident that 90 units could be delivered in the first 5 year plan period, comfortably exceeding the housing land requirement for this period. A further 90 units would follow in the second plan period.

22. Consequently, I am satisfied that in applying the development strategy of the Proposed Plan and taking into account the most up to date housing land requirement figures there is a need to retain a new housing allocation at Ballater. H1 Monaltrie Park offers an effective site for that purpose. The Developer Obligations for Ballater confirm that affordable housing and contributions to education and health care infrastructure would be required here and there is no need to specify this within the site description. The representations however seek to reduce the capacity of the site and retain all or parts of it as open space.

23. I find the requirements of SPP, referred to in paragraph 6 above, to be an important consideration here. I agree with the National Park Authority that this general area to the north-east of the town offers the only long term expansion option for this strategic settlement. It is important to consider the wider implications of developing here even if the full capacity of 250 units is not required at this time. Allocating a larger site than is required for the first plan period up to 2024 is an acceptable approach in these circumstances.

24. Furthermore such an approach allows the Authority to promote the masterplan process as a means to resolve the various issues that may influence the form of development here. While there may be merit in developing this site in smaller phases of 30 or 50 houses I would expect the masterplan to address the phasing of development. Thus ensuring the land is released for development in a coordinated way. The Preliminary Concept Masterplan is not however sufficiently detailed for me to determine how such phasing should be set out at this time.

25. Consequently I do not propose to limit the capacity of the allocation site to 30 or 50 houses or adjust the boundaries of the allocation to reflect these smaller figures. I do however recommend adjusting the terms of the site requirements for H1 to ensure that phasing of development is specifically addressed by the masterplan process.

26. V Jordan would prefer the whole of H1 to be protected as open space. The agricultural land that makes up the majority of the allocation does not offer any recreational

activity with the exception of the annual Highland Games event, which I address separately. It does provide an open outlook from the existing housing and Monaltrie Park but I do not find this to be sufficient justification to delete the housing allocation and protect the whole area as open space.

27. I also examine the reasons for the proposed change to the current open space designation covering the north-west area. The National Park Authority has confirmed that one of the reasons for the proposed adjustment to the boundaries of the built development area at H1 is the flood risk information that has become available since the 2015 Local Development Plan was adopted. I examine the flood risk issues in more detail below but, in summary, the higher ground next to Monaltrie House is not considered to be at risk of fluvial flooding and the eastern corner of the site north of Pannanich Road is. The latter is the area now delineated as the proposed open space. To ensure a similar scale of housing development can be achieved and thus retaining the longer term growth capacity for Ballater, the National Park Authority proposes to exchange the existing open space area for the new area in the eastern corner.

28. According to the further information received from the National Park Authority the proposed housing allocation now covers approximately 8.2 hectares whereas in the 2015 Local Development Plan the allocation covered 7.8 hectares. The density is similar reducing slightly from 32 units per hectare to 30 units per hectare. If the north-west area at Monaltrie House is excluded the density would increase to 36 units per hectare. Policy 1.4 expects new market housing to provide smaller less expensive units and Policy 1.5 expects 45% of any site here to be developed for affordable housing. I find increasing the density of built development would not in itself run contrary to the wider expectations of the Proposed Plan.

29. However the actual boundary between the new open space area and the built development is still to be resolved through the masterplan process. It is likely to be influenced to a significant degree by the important flood risk considerations affecting Ballater. Thus the area available for built development is still to be refined. I therefore find the proposal to include the north-west area of land within the allocation allows a degree of flexibility in maintaining the long term capacity for housing development in the Monaltrie Park area. Furthermore the National Park Authority identifies that vehicular access to the development may require to pass through this area.

30. Although I support the inclusion of the north-west area within the boundary of H1 I do so with the expectation that the built development would accommodate or reflect the particular features and qualities of this location. The site considerations for H1 expect the protection of the setting of the approach to Monaltrie House and the protection of the existing trees to influence the placing and design of built elements in this area.

31. Although the National Park Authority was unable to define the extent of the orchard, I identified at my site inspection a group of approximately 6 fruit trees lining one of the paths through the area. Accommodating an area for a community orchard of this nature should not pose a significant impediment to the layout of the development. Furthermore, even if the existing footpaths may need to be re-aligned I would expect pedestrian access through the area to be retained. Respecting all of these features should give this part of the development a more open and permeable quality.

32. Consequently I find the National Park Authority's proposal to include the open space within the developable area of H1, is a reasonable response to addressing the flood risk

issue affecting the long term capacity of this important strategic housing site to the north-east of Ballater.

33. Ballater and Crathie Community Council suggests moving H1 further to the north and east. While this may offer an opportunity to retain a larger area of undeveloped land next to Monaltrie Park it has the effect of increasing the separation of the new housing from the existing facilities within the town centre. Furthermore the proposed change has not been considered within the site assessment report or been subject to any public consultation. I also have no information before me on how flood risk considerations may affect this area which is a key consideration. Consequently I do not propose to recommend relocating all or part of H1 further to the north-east.

34. The Proposed Plan recognises that local schools, healthcare facilities and water/sewerage facilities may be affected by further housing development in Ballater as set out in the developer obligations for Ballater listed on Page 105 of the plan. Resolving the extent of such contributions would be a matter for the planning application process taking into account the Supplementary Guidance that is to accompany this Proposed Plan. I have not been presented with any evidence that the effects on the local community infrastructure would be so great that further development here should be resisted in principle.

#### Ballater H1: Monaltrie Park - other concerns

##### Access and Connectivity

35. The representations raise a number of concerns in this regard. The potential vehicular access routes into the site are dealt with in more detail below and I consider only the broader issues in terms of the relationship of the proposed allocation to the wider road network, public transport and the existing community facilities. Any localised temporary effects of construction traffic would be a matter for the planning application process to manage.

36. At this time there is nothing before me to indicate that any particular feature of the road network would not be able to accommodate additional vehicular traffic. I agree with the National Park Authority that the impacts of increased traffic flows on the capacity of the existing road network are best approached through the planning application process and the preparation of the masterplan. Such matters are inevitably informed by the final choice of vehicular access points and the phasing of the development and these have yet to be determined.

37. Scottish Planning Policy 2014 (SPP), in paragraph 270, expects patterns of development to “provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport”. In paragraph 273 it states “The aim is to promote development which maximises the extent to which its travel demands are met first through walking, cycling, then public transport and finally through use of private cars”.

38. PAN 75 Planning for Transport recommends that walking distances to bus and rail services should be less than 400 and 800 metres respectively, but walking distances of up to 1600 metres to local facilities are acceptable. Achieving all these standards within rural communities, especially where there is no rail infrastructure and limited bus services, will be difficult and it is acknowledged by the National Park Authority that developments in the

National Park will be reliant to a greater extent on private car journeys.

39. Although the north-west section of H1 next to Monaltrie House is further from the town centre and other community facilities the overall relationship and proximity of H1 to the surrounding road and pedestrian networks does not change significantly from the current H1 allocation in the 2015 Local Development Plan. The site continues to have the potential to integrate with the surrounding road and footpath network.

40. It is acknowledged that Ballater does not have a rail service and bus services are limited. The SEA (page 583) considers H1 to be within easy walking distance of public transport however I note the distance from parts of H1 to bus stops on the A93 may exceed the recommended 400 metre guideline. Notwithstanding this I expect it will be the availability/frequency of bus services that is more likely to result in a greater reliance on the private car rather than the walking distance to the bus stop. Consequently I do not find the increased walking distance to be a significant shortcoming.

41. Active travel routes already exist between this part of Ballater and the town centre helping to reduce the reliance on the private car for shorter journeys within the settlement. The walking distance from H1 to the local facilities in the town centre is between 1 and 1.5 kilometres and would meet the recommended distances set out in PAN 75. Journeys to the health centre and local school are considerably shorter. In addition the housing development would be expected to provide sufficient on-site parking for residents. Consequently I do not envisage any significant impacts on on-street parking in the vicinity of the site or within the town centre.

#### Landscape and Visual Impact

42. Ballater sits within a landscape area described as a 'strath' in the Landscape Character Assessment (1996). It is characterised by the contrast between the flat agricultural land following the route of the River Dee and the steeply sloping wooded hill sides that contain it. Much of Ballater has been built on this flat land and H1 would continue this approach with the exception of the area next to Monaltrie House which is on slightly elevated land at the foot of Craigendarroch.

43. Although development would inevitably reduce the extent of the flat agricultural land within this landscape I do not find the overall effect to significantly impact on the setting of Ballater or this part of the strath. The housing development would be visible intermittently as you approach the town from the east along the A93, the B976 and the Pass of Ballater (B972). There would be little inter-visibility with the River Dee. Established woodland, field boundary trees, and the built up area of the town limit the number of places where the development site would be visible from the road network within the strath.

44. The landscape effects would however be more noticeable from parts of the footpath network such as the Deeside Way and the hills enclosing the valley. From these distant and elevated views it would be possible to view the whole site and how the built element would link Pannanich Road in the south with Monaltrie Avenue to the north. But such views would also permit an appreciation of the containment of the site within the lower lying areas, the scale of the remaining undeveloped valley floor and the retention/expansion of Monaltrie Park.

45. I do not expect any landscaping scheme to be able to screen the site from these elevated locations, but a robust landscape framework and a sensitive approach to the

layout and design of the buildings should soften the impact of development from views within the valley floor.

46. Furthermore the change to the boundary of H1, necessitated by introducing open space in the eastern corner offers some improvement on the existing allocation. The built development will no longer follow the straight field boundary for the whole north-eastern edge, a wedge of green space would encroach into the settlement and there would be less built development aligning Deeside Way.

#### Setting of Monaltrie Park

47. Monaltrie Park benefits from open and expansive views eastwards along the valley floor and, like the rest of Ballater, there is a sense of enclosure provided by the surrounding hills. The park is a well-used and valued community facility and it would be important that the final design of the development here considers the amenity of its setting. I note that the Preliminary Concept Masterplan identifies the retention of an outlook east through the built development as an important consideration and development proposals will be expected to enhance Monaltrie Park. On that basis I do not consider the retention of the existing unimpeded open outlook from the park to justify the deletion of H1.

#### Setting of Monaltrie House

48. I find the setting of the listed building, Monaltrie House, to be tightly contained within the immediate environs of the house and dominated by mature woodland planting. Only glimpses of the house are available from distant viewpoints across the strath or through the open gateway facing Monaltrie Avenue (along the line of the original driveway). I am satisfied that the built development here, subject to the site considerations listed in the proposed plan, would not have a significant impact on the setting of the listed building.

#### Tourism

49. In my opinion well-designed housing that respects the character and landscape setting of the wider settlement would not undermine the role of Ballater as a tourism and recreation destination. I am satisfied that the terms of the site considerations for H1 and the policies of the Proposed Plan put in place a strong framework to deliver such a development. The National Park Authority has identified the potential impacts on the operation of the park and its use as a Highland Games venue. This is dealt with in more detail below.

#### Ecology

50. The majority of H1 is agricultural land with little ecological value. It is however acknowledged in the SEA that the north-west area next to Monaltrie House is an area of unimproved grassland which, along with the mature trees, offers a habitat of high ecological value. No specific mention is made of the field gentians referred to in the representation but these are described as following the line of the footpath and most of its route is not within the allocated site.

51. In proposing development here the National Park Authority is accommodating the change to the developable area arising from the new flood risk information and the possibility that access will need to be taken through this part of the site to join Monaltrie Avenue. But the Authority does not intend to set aside any other process or policy that

requires the ecological value of the area to be subject to appropriate survey and assessment. The development will be expected to address the outcomes of any survey and accommodate any necessary mitigation measures. On that basis I do not consider the ecological issues at or within the vicinity of the north-west area next to Monaltrie House to justify omitting this area from H1.

### Radon Gas

52. I agree with the National Park Authority that the presence of Radon gas remains a technical constraint for assessment under the relevant Building Regulations and is not a land use matter relevant to the examination of the development plan.

### Ballater H1: Monaltrie Park – access

53. The Preliminary Concept Masterplan sets out three possible vehicular access routes into H1: Provost Craig Road (through Monaltrie Park), Monaltrie Avenue (north of Monaltrie Close) and Monaltrie Avenue (south of Monaltrie Way). The Site Assessment Report identifies only one possible route from Monaltrie Avenue and the National Park Authority confirms this is the one north of Monaltrie Close. The representations add to that the possibility of using Craigview Road, Morven Way, Pannanich Road or the creation of a new route from the A93 in the vicinity of Aberdeen Cottage.

54. This National Park Authority does not present an access strategy for the development site or provide a technical analysis of any of the routes suggested in the Preliminary Concept Masterplan or in the representations. Therefore I am unable to make any detailed assessment of the road safety merits of any of the potential vehicular routes.

55. In response to requests for further information however the Authority provides some useful information on this issue. Craigview Road is one possible route but it may not be suitable for flood risk reasons. I infer from this that other routes through land known to be at medium risk of flooding would need to be examined carefully in this respect. Whilst the Authority does not advocate the route through Monaltrie Park they do not object to it in principle. Should a route be taken through the park the proposed new open space area to the east of the park is expected to be sufficient to offset the impact of the new road. The land owner is currently investigating an access solution that may not rely on taking a route through the park but the results of this are not known at this time.

56. Due to this uncertainty the National Park Authority does not exclude any particular route at this time and expects the masterplan and planning application process to ultimately resolve this matter. Determining the correct solution will necessitate an in depth assessment and analysis of road safety and capacity considerations associated with the various options. I agree that the masterplan and/or the planning application process is best placed to resolve this matter bearing in mind that other technical assessments e.g. the Ballater Flood Study and a detailed understanding of the topography of the site will have a bearing. Land ownership or other legal matters may also play a part.

57. I am also conscious that Policy 3.3 Sustainable Design (criterion j), requires any development to demonstrate “an appropriate means of access (and) egress”. Furthermore Paragraph 4.60 indicates the importance of Transport Statements or Assessments in determining the acceptability of the impact on transport infrastructure.

58. The National Park Authority confirms that the development site should incorporate

multiple access points. The site considerations for H1 do not currently refer to this matter or offer any other direction on the form of the vehicular access. While it may be premature to identify the actual access routes it is important to describe the broad requirements so that these can properly inform the masterplan process. I therefore propose to recommend modifying the wording of H1 to address this.

59. While the community has reservations about all the potential vehicular access points it is the route through the park that generates the most concern. Setting aside the particular interests of the Highland Games event which I deal with below I agree that any solution should seek to ensure the provision of adequate space for the operation of the existing sports pitches. This is already reflected in the site considerations for H1 and addressed by Policy 8, Open Space, Sport and Recreation. However it would be important for the development to consider all the existing facilities at the park not just the sport pitches. I therefore propose to recommend modifying the wording of H1 accordingly.

60. For these reasons, and subject to the recommended modifications, I am satisfied that the Proposed Plan as a whole puts in place a clear policy context on which to test the final vehicular access arrangements at this location and, that it would not be appropriate to state any preference for a particular access route at this time.

#### Ballater H1: Monaltrie Park - Highland Games / open space

61. The Ballater Highland Games take place within Monaltrie Park and there is an established tradition that the adjoining fields at H1 accommodate the temporary parking for the event. It is clear from the representations that this is an important community event contributing a large number of visitors to the town and benefiting the local businesses. It is understandable that there are concerns that the future success of the event may be affected by the relocation of the temporary parking area.

62. My attention however is drawn to a number of other potential impacts on the operation of the event:- the potential vehicular access through the park may change the way the event is laid out; the proposed 55 metre wide extension to the park may be inadequate to address this impact and; the access to the existing storage buildings south of the park may be lost or impeded.

63. Although the allocation boundaries for H1 in the Proposed Plan are slightly different from H1 in the 2015 Local Development Plan I find the immediate effects on the land currently used for temporary parking remain largely the same. The proposed masterplan requirements for H1 continue to highlight the importance of addressing the parking provision for the event and the enhancement/expansion of Monaltrie Park. By extension the masterplan would also address the potential access routes to the open space when used as temporary parking.

64. Notwithstanding these provisions I am conscious the Highland Games event is not the primary land use of Monaltrie Park and the adjoining land. The event is a temporary activity that is not controlled by the planning system. Fundamentally, the availability of land within or outwith Monaltrie Park for use during the games (including temporary car parking), remains at the discretion of the relevant landowner or occupier.

65. Establishing the location, size and availability of the temporary parking areas or protecting the existing event arrangements would exceed the scope of the Proposed Plan. It remains a matter to be resolved between the relevant interested parties. Consequently I

do not make any findings on the suitability of potential temporary parking sites, the management/operation of the event, the retention of access to the storage sheds or whether visitors to the event (in any new configuration) are less likely to frequent other facilities in Ballater.

66. Nevertheless I find the use of the masterplan approach at H1, which would permit further discussion and consultation with the local community on such matters, offers a sensible and pragmatic way forward. The extent and location of the open space boundaries would be determined by that process and this should offer the relevant community bodies an opportunity to influence the final layout of the development.

67. The current emphasis in the site considerations is on the adequacy of the parking for the event yet clearly the Highland Games concerns go beyond this. The National Park Authority has suggested, in a further information request response, that the wording of H1 could be amended to include a requirement to maintain the viability of the Highland Games event and consider the adequacy of the temporary parking in the preparation of the masterplan. I find this is a reasonable solution in these particular circumstances and would recommend adjusting the wording accordingly.

68. In my opinion, for this process to be successful it is essential that the housing and open space matters be considered together. The masterplan applies to the whole site at H1 (the red area on the settlement map) so to ensure the masterplan includes the associated open space (the green areas on the settlement map) I propose to recommend a modification that clarifies the extent of the “whole site”.

69. Even though the final boundary between the developable area and the new open space is to be determined by the masterplan process I agree with the National Park Authority that the new areas of open space should be identified as such on the settlement and allocation maps. However the suggestion from S Barns to label the areas as retained open space may have arisen because neither the settlement plan or the allocation plan indicate where the boundary lies between the existing and new open space at Monaltrie Park. I propose to recommend a modification to the two plans by inserting a stronger/darker line between the existing and new area of open space at Monaltrie Park.

#### Ballater H1: Monaltrie Park – flooding

70. Following on from the significant effects of a flood event in 2015 I can appreciate that the community would wish to be re-assured that any new development would, firstly, not increase the flood risk to existing properties in Ballater and secondly, would not in itself be at risk of flooding.

71. The representations from G Riddler and S Barnes believe the flood risk at this site and Ballater generally to be greater than that anticipated by SEPA. In particular that the flood risk assessment process is not able to make accurate predictions. Examples are given of flooding affecting recent developments which were approved following a flood risk assessment.

72. This examination however does not extend to an examination of the methodologies applied in any flood risk assessment or study commissioned by the local authority, SEPA or an individual developer. It remains focussed on the proposals set out in the proposed plan taking into account the advice set out in Scottish Planning Policy 2014 (SPP) .

73. SPP at paragraphs 258 to 263 expects planning authorities to take into account flood risk when preparing development plans. A Strategic Flood Risk Assessment and any flood risk or river basin management plans/strategies should inform the location of development. The flood risk framework described in the SPP is expected to be used as a guide for decision makers.

74. The framework sets out a number of key principles relevant to residential development. All types of development are generally acceptable in areas with little or no flood risk. Low to medium risk areas are usually suitable for most development. This is described as a 0.1% to 0.5% annual probability or 1:1000 to 1:200 year event. Where the risk is closer to the 0.5% probability (1:200) a flood risk assessment would be required to inform the decision maker. Areas of medium to high risk (greater than 0.5% or 1:200) can be acceptable for residential development but only within built up areas already protected (or planned to be protected) by appropriate flood protection measures.

75. According to Aberdeenshire Council work is progressing on the Ballater Flood Protection Study but I have not been advised that a detailed flood protection scheme has been agreed. So at this time I believe it is appropriate to follow the guidance in the framework where it directs development to areas that lie outwith the land considered to be at a medium risk of flooding.

76. The National Park Authority prepared a Strategic Flood Risk Assessment (CD007) of the Proposed Plan. This includes extracts from SEPA's indicative flood maps showing the areas that are at medium and low probability risk of river and surface water flooding and references other additional flooding information available at the time of its publication. A site assessment of the flood risk associated with each proposed or retained allocation is set out in Part 2 of the Assessment.

77. V Jordan believes this strategic assessment should have been carried out before the H1 site was allocated. I find it is not possible to apply such a strict interpretation to the SPP guidance when a site is already allocated in an earlier plan. Instead it is more relevant to consider whether the allocated site should be retained or adjusted to reflect the most up to date strategic flood risk assessment.

78. According to the SEPA indicative flood map the existing allocation boundary for H1 in the 2015 Local Development Plan overlaps an area subject to a low risk of river flooding mainly located in the eastern corner of the site. Following the significant flooding event in 2015, there is now some evidence that the medium risk flooding event could extend further into the boundaries of H1. The Site Assessment states "Recent modelling undertaken on behalf of Aberdeenshire Council shows that the 1 in 200 flood extent may affect the eastern corner of the site." I infer from this that the medium risk may now apply to the general area previously considered to be at low risk.

79. The proposed H1 allocation boundary now excludes much of the area originally identified as low risk on the SEPA maps and instead identifies it as a new area of open space. This change therefore pulls the residential development away from the eastern corner where, according to the strategic flood risk assessment, a medium risk of flooding now exists. The site assessment for H1 Monaltrie Park acknowledges that this allocation lies next to land that is identified as having a medium risk of river flooding.

80. In this regard I am satisfied that the adjustment to H1 in the Proposed Plan has taken on board the new flood risk information set out in the Strategic Flood Risk Assessment. It

is also significant at this stage that the boundary between the open space area and the future built development remains indicative. The exact boundaries would be established by the masterplan process which in turn would be informed by the Ballater Flood Study.

81. Furthermore the statutory consultee for flood risk matters, SEPA, does not make any objection, in principle, to the allocation of the wider site or the extent of the area set aside as open space. Consequently I do not find there is any justification, based on flood risk considerations, to delete the H1 allocation or to introduce any further adjustment to the extent of the allocation.

82. In light of the above, I agree with SEPA that the existing and proposed open spaces at or in the vicinity of H1 may offer flood water storage and conveyance properties worthy of maintenance and possibly enhancement. A modification to the description of the H1 allocation to highlight this would be pertinent at this location and I propose to accept their suggested wording.

83. G Riddler describes the potential effects of interfering with the established surface water or flood water storage capacity within the undeveloped site. SPP makes it clear that any new development, not just those adjacent to areas known to be at risk of flooding, should be designed to “be free from surface water flooding in rainfall event where the annual probability of occurrence is greater than 0.5% (1:200)” and the “drainage measures should have a neutral or better effect on the risk of flooding on and off the site”. I note that the site requirements for H1 include a Drainage Impact Assessment to address this particular issue. On that basis I do not find the potential surface water flooding issue to be sufficient to justify deleting H1.

84. The representations indicate that the Ballater Flood Protection Study Report is exploring the possibility of relocating the existing caravan site and the local emergency services facilities at Ballater to the land at H1. Aberdeenshire Council has subsequently withdrawn their representation on this matter however in that letter of withdrawal it explains that the Ballater Flood Protection Study is a feasibility study addressing the options to alleviate flooding in the Ballater area. Furthermore the Study is not intended to override the existing land allocations within the development plan. I conclude from this that these relocation proposals are very tentative at this time.

85. The H1 allocation makes an important contribution to the housing land supply in the Aberdeenshire part of the National Park. While the terms of H1 allow for both business and community facilities to be incorporated into the development here I agree with the National Park Authority it would not be possible to accommodate a caravan site (of a similar size to that existing at Ballater) and the emergency services facilities without compromising the ability to meet the housing land requirement. As a result I do not propose to specifically identify these particular facilities within the description of H1 or to delete part/all of the housing allocation to accommodate such facilities. I would however expect the masterplan process to address the need for or location of small scale facilities such as those discussed in paragraph 4 above.

#### Overall conclusions on H1 Monaltrie Park

86. I am satisfied that the allocation of land at Monaltrie Park for both housing and open space purposes remains necessary in terms of meeting the housing land requirement in this plan period and beyond. I do not consider the proposed changes to the allocation from that set out in the 2015 Local Development Plan would significantly increase the

landscape or visual impacts associated with developing in this area.

87. The proposed adjustments to the allocation boundary and the terms of H1 address the most up to date position with regard to flood risk, consider the potential access routes into the site, recognise the sensitivity of the landscape (particularly the north-west area next to Monaltrie House) and acknowledge the importance of ensuring the final layout reflects the community's desire to maintain a successful event space at Monaltrie Park.

88. It is however clear to me that the eventual form of development will need to strike a delicate balance between these various considerations and that, in particular, further detailed investigation relating to the vehicular access routes and the flood risk considerations is still required. I therefore endorse the use of the masterplan approach as a means to draw these various considerations together and to act as a conduit for consultation with the interested community groups and statutory bodies.

89. I have however identified in my assessment of the separate issues a number of areas where the description or site considerations for H1 should be adjusted to clarify the extent/purpose of the masterplan and to highlight key factors that should be taken into account. I propose to recommend retaining the H1 allocation for 250 units but with a number of modifications to the terms of site description and considerations to address these concerns as set out above.

#### Ballater ED1 Ballater Business Park

90. SEPA would prefer any future planning applications here to take cognisance of the Ballater Flood Study and advise that a new flood risk assessment may not necessary. The building work here appears to be complete so this is a sensible adjustment to the site requirements. I propose to recommend modifying the plan accordingly.

#### Ballater T1 Caravan Park

91. The T1 allocation seeks to protect this existing tourist accommodation facility but it also offers some support for further tourism related developments at the site. The caravan park lies close to the River Dee and is known to be vulnerable to flooding events. It is therefore understandable that SEPA would wish to highlight the restricted range of uses that could be introduced here. The National Park Authority are content to introduce these restrictions and I agree that clarity on this within the site description is helpful.

92. As with the case at ED1, SEPA would prefer any future planning applications here to take cognisance of the Ballater Flood Study and advise that a new flood risk assessment may not be necessary. This is a sensible adjustment to the site considerations. I propose to recommend modifying the plan accordingly.

#### Ballater - Developer obligations

93. The Developer Obligations on Page 105 highlight that contributions to improvements in the local infrastructure, including the Waste Water Treatment facility may be required. The completion of Scottish Water's pre-development enquiry form is a procedural matter relating to this however I agree with the National Park Authority that it sits best within separate guidance documents. No modification is required.

#### Ballater – Other matters

94. The policies or individual allocations within the Proposed Plan are not able to restrict how temporary camping during the Highland Games (within the event site or elsewhere) is managed. No modification is required.

Braemar - Developer obligations

95. NHS Grampian highlights that contributions from new residential development may be required to address impacts on the Medical Practice at Braemar. Although there is no supporting analysis explaining this concern, the National Park Authority agrees to adding this to the Developer Obligations for Braemar. As the proposed Supplementary Guidance on Developer Obligations is intended to address the contribution requirements in more detail I find it is reasonable to set out a simple reference to this matter in the section on developer obligations for Braemar. I propose to recommend modifying the plan accordingly.

Braemar – Scale of housing proposals

96. Within Mar Estate's representation I note that they repeat a request made earlier at the MIR stage: to re-classify or treat Braemar as a strategic settlement as it is the second largest settlement in the Aberdeenshire part of the National Park. The National Park Authority resists this change and I agree with this decision. Based on the size of the settlement and the range of services it offers Braemar is appropriately identified as an intermediate settlement. No modification is recommended.

97. The reasoning behind the housing supply target figures, the choice of generosity margin, the resultant housing land requirement and the higher affordable housing rate in Braemar are dealt with in Issue 3. While S Whyte suggests a 70% affordable housing rate for Braemar and Mar Estate wish to reduce it below the proposed 45% rate neither approach is supported by the housing need and demand analysis that has informed the housing supply target figure. No modification to the Braemar settlement statement is required.

98. The modified housing land requirement and housing supply figures as they apply in the Aberdeenshire area of the National Park are set out at the start of my conclusions on this issue. I have identified above that I would expect the majority of housing to be provided in Ballater, the strategic settlement in this area. As an intermediate settlement, Braemar, is still expected to accommodate the 'wider needs' but at a more modest scale than a strategic settlement. Setting aside the Braemar North allocation (which I address below) I am satisfied that the range of housing allocations presented for Braemar would fit that general description.

99. It is not disputed that new housing in Braemar would place demands on infrastructure within the village including the road and drainage network. The Developer Obligations in the settlement statement at Page 139, with the addition of the health care facility addressed above, recognise the key issues at Braemar. The provision of on-site parking at the appropriate rate and addressing any direct impacts on the road network would be matters for individual proposals.

100. The Settlement Objectives recognise that enhancing the tourism role of the village and improving car parking provision is important. It is unlikely that well designed new housing that respects the character and landscape setting of the village would have a detrimental effect on tourism. Other policies within the Proposed Plan (Policies 3, 4, 5 and

9) set out clear expectations in this regard. It is also unlikely that new housing, with its own parking facilities, would place any significant demand on the limited car parking available within the village centre.

101. I do not find there to be any evidence that these infrastructure concerns alone would justify restricting the scale of new development at Braemar.

#### Introduction to Braemar H1: Chapel Brae and Braemar H4: Chapel Brae

102. Due to the similarities and proximity of H1 and H4 I have re-ordered my conclusions to consider these two sites consecutively.

103. Braemar sits at the confluence of the River Dee and the Clunie Water within a National Scenic Area and most of the village is designated as a Conservation Area. The A93 passes through the village in a north to south direction. The village centre lies to the west of this route along Mar Road.

104. The village fans out from its centre via a network of residential streets some of which also provide access to the surrounding countryside. Chapel Brae is one of those streets and follows a ridge of higher land sloping up from Mar Road. It is characterised by mainly detached dwellings, of varying date and design, lining the narrow carriageway. Much of the development on the northern side sits above a steeply sloping and wooded hillside running down to Linn of Dee Road and the River Dee beyond.

105. There are no formal passing places or footway and pedestrians must share the route with vehicular traffic. This situation is not unique to Chapel Brae and many other secondary streets within the village share these characteristics.

#### Braemar H1: Chapel Brae

106. The 2015 Local Development Plan already allocates the site at H1 on the north side of Chapel Brae for 6 houses. The site boundary and capacity remain unchanged in the Proposed Plan. This area of maintained grassland, according to the representations, is used occasionally as informal visitor car parking. It has an open frontage to Chapel Brae and offers an attractive view north towards the surrounding hills over the tops of lower lying adjacent houses. It lies within the Conservation Area and settlement boundary.

107. The requests to protect this area as open space are based on its “amenity value”, a desire to resist development and its occasional role as a temporary car park. The lack of a boundary marker with Chapel Brae and the unsurfaced track crossing the site leading to Lin O’Dee Place currently allow easy movement through this space. But there is no other evidence to suggest it has been used for recreational purposes.

108. Furthermore it would not appear that the use of the site, its appearance, the open boundary with Chapel Brae or the standard of the road access have changed significantly since 2015. Consequently neither have the potential impacts of development on the character of the area, the ecological value of the site and the open views out of the village.

109. As indicated above Chapel Brae is not unique within Braemar in terms of its road construction and lack of pedestrian facilities. To my mind, these characteristics contribute to the character of the secondary streets within the wider Conservation Area. Despite the acknowledged limitations presented by such streets I do not consider it is necessary or

reasonable to restrict modest and sympathetic infill development on that basis alone. Individual planning applications would be best placed to assess the localised improvements that are required at the site.

110. I am satisfied that the terms of the site considerations and policies of the plan put in place a strong framework on which to secure a satisfactory form of development here including the requisite contribution to affordable housing provision. It is not however possible to specify the tenure of the houses as affordable within the terms of the allocation. I do not propose to modify the plan by either removing H1 or changing the allocation to protected open space.

#### Braemar H4: Chapel Brae

111. H4 offers an infill site along the northern side of Chapel Brae and is similar in many ways to H1. The maintained grass land here is easily accessible to the public as there is no boundary fence along Chapel Brae and a well-used footpath crosses the site heading towards Linn of Dee Road to the north west. It also offers similar views out of the village towards the surrounding hills which the Site Assessment Report identifies as one of the landscape qualities here.

112. However it is just outwith the Conservation Area and forms part of a much larger area of grass land and woodland stretching down to Linn of Dee Road. Although not protected as open space, the bench positioned on the Chapel Brae frontage next to a mature larch tree and the footpath described above indicates that the area is used informally for passive recreation. These are attractive qualities but I agree with the National Park Authority that they do not in themselves merit the designation of the whole allocated site or the wider area as open space, or indeed the deletion of the proposed housing site.

113. Nevertheless I find retaining some of the openness currently experienced here is important. According to the Site Assessment Report the larch tree is worthy of retention and to do so a generous area around it should be preserved free from development. The route of the footpath passes close to this tree. Retaining both these features would secure an area of open space and allow some of the view to the hills to remain. The site considerations described on Page 141 of the Proposed Plan, however do not expressly refer to the retention of these important features. I propose to recommend adjusting the site considerations for H4 to ensure this is addressed.

114. The site considerations for H4 on Page 141 do recognise the sensitivity of the topography here at the top of the steep north facing hillside that forms the settlement boundary. I find this hillside to form a strong and prominent landscape feature on the edge of Braemar when viewed either from Linn of Dee Road or from the wider area north of the River Dee. I agree that any development here should not alter the character of this wooded area and the decision to restrict the allocation to the area within the existing settlement boundary is therefore appropriate.

115. For the same reasons I would not support any further encroachment into the hillside to increase the size of the housing development or the scope for landscaping (as suggested by Mar Estate) or to accommodate an alternative access or parking for the development at Linn of Dee Road (as suggested by A Herd).

116. I am satisfied that the policies of the Proposed Plan and/or the site considerations as

modified would address the potential visual or landscape impact of the built development and address any impacts on protected species or important habitats at or adjacent to the site. Without a detailed design and the necessary analysis of the topography and adjacent landscape it would be premature to stipulate a maximum height or number of storeys (as suggested by A Herd).

117. As set out with regard to H1 I do not consider the standard of the road at Chapel Brae to be an over-riding impediment to sympathetic infill development and it is unnecessary to consider alternative access routes for this scale of development. I agree that the development may offer the potential to make localised improvements in terms of pedestrian and vehicular safety on Chapel Brae but such matters are best addressed through any planning application.

118. The National Park Authority advises that its planning powers do not extend to the designation of Conservation Areas. Consequently this development plan examination cannot directly address the extension of the Conservation Area at Braemar to incorporate the site or the wider area as suggested by E Robertson and I Robertson. I am satisfied that the site considerations for H4 where they highlight that future development should be sympathetic to the character of the adjoining Conservation Area are appropriate in these circumstances.

119. In summary I am satisfied that H4 offers a sensitive infill site within the settlement. There is no justification in terms of the housing land requirement for Aberdeenshire to increase its size, and thus increase the potential for detrimental impacts on the landscape on the northern edge of the settlement identified above. I recommend retaining the proposed allocation with the modifications to the site considerations as described above.

#### Braemar H2: St Andrews Terrace

120. The site at H2 is a 1.8 hectare area of grazing land straddling a private track heading north from St Andrews Terrace into the surrounding countryside. Cromar Community Council is concerned regarding the scale of the development and the associated impacts on the setting of Braemar however the site is currently identified as a housing allocation (EP2) in the 2015 Local Development Plan. Furthermore a detailed planning permission has been granted for 30 houses here in 2014 and the National Park Authority confirms that the permission remains extant.

121. As a site with an extant consent I am satisfied the development continues to offer effective housing land and should be retained within the Proposed Plan.

#### Braemar H3: Kindrochit Court

122. The site at H3 is a 0.4 hectare area of predominantly brownfield land located within the Conservation Area at the centre of the village adjacent to an area of protected open space. Although the representations identify a range of potential impacts arising from a development here, it is an existing allocation in the 2015 Local Development Plan (EP3) and has a detailed planning permission. The planning permission for St Andrews Terrace (H2) referred to above is subject to a legal agreement that requires the affordable housing element of the development to be provided at the Kindrochit Court site.

123. As a site with an extant consent I am satisfied the development continues to offer effective housing land and should be retained within the Proposed Plan especially as it is

currently linked to the delivery of H2. I do not find there is any need to adjust the site requirements to include the Scottish Water contact details. I agree with the National Park Authority that this is more appropriately provided in planning guidance documents.

#### Braemar H5: Braemar North

124. North Braemar is an area of gently sloping agricultural land between the A93 and the steeper wooded hillside that forms the lower slopes of Creag Coinnich. At the southern end sits the Invercauld Hotel, an imposing 3-4 storey listed building. A visitor car park, a single storey garage/petrol filling station and the River Dee lie across the A93 to the west.

125. The site frontage follows a straight section of the A93 that includes an existing footpath leading to the village centre. It is therefore likely that suitable vehicular and pedestrian access can be provided. A flood risk assessment is required due to the proximity to an area of medium to high probability flood risk associated with the River Dee but there is nothing before me to indicate that flood risk is likely to significantly limit the form or scale of development.

126. Although there are lower lying commercial and visitor facilities on the west side of the A93, I find any development on the more elevated land on the east would significantly alter the landscape to the north of the village. In particular it would change the character of the village entrance where for some considerable time the prominent hotel building has marked the edge of the settlement and the Braemar Conservation Area.

127. The National Park Authority recognise the sensitivity of the site including the setting of the listed building and the Conservation Area. A masterplan would be required to set out the overall layout of development and this would need to incorporate an area of open space immediately to the north of the hotel as a means to protect the views/setting of the building. The design and layout of development would be expected to respond to the traditional vernacular architecture of the Conservation Area.

128. The Proposed Plan sets out a site capacity of 30 units (first phase) to be delivered in the second plan period and after 2030. Following further exchanges with the land owner the National Park Authority confirms that the capacity of this allocation should be increased to 45 units, 35 of which could be delivered in 2020-2029 and 10 after 2030. The Proposed Plan also indicates there is scope for tourism or business related complementary uses within the site but no indication is given regarding the amount or location of land that should be set aside for this purpose. The National Park Authority relies on the masterplan process to resolve this.

129. It was unclear to me from the wording of the site description whether the 30 units (or 45 units) attributed to H5 were a first phase within the site depicted on the settlement map or whether the allocation boundary was the whole first phase of a much larger development to the north of the village. The National Park Authority confirmed it is the latter but were unable to describe with any certainty the extent of the later phases only that they would lie further to the north.

130. The terms of this allocation on Page 142 of the Proposed Plan expect a masterplan to “show how the first phase of development will integrate with potential future phases” yet the boundaries of these phases cannot be determined from the site map for H5. Thus it would be the masterplan process that would ultimately determine the scale and extent of

the longer term expansion of Braemar and not the development plan.

131. Subsequently the National Park Authority has suggested amending the wording of the site description giving a different emphasis to the role of the masterplan. It “should ensure the further growth at the north of the village can be accommodated should this prove to be appropriate in the future”. However the Authority does not seek to delete the statement that the site forms part of a “first phase of a wider area”.

132. I find the level of uncertainty that remains regarding the long term scale and extent of development on the northern edge of the village to be a concern at this sensitive location in the National Scenic Area. It also prevents any consideration of the scale of the housing development in the context of the strategy of the plan and the intermediate settlement status of Braemar.

133. The importance of protecting the landscape setting and traditional character of a settlement is evident within the statutory aims of the National Park. Such considerations clearly apply in Braemar where they contribute significantly to the attractiveness of the village and its environs as a tourist destination. Expanding the housing and tourist facilities in Braemar would not, in principle, have an adverse impact on the tourism economy here (as suggested by Fife Arms and Invercauld Arms). But adverse impacts on the landscape setting and traditional character of the village may have indirect impacts and offer another reason why care should be taken in planning the release of land for development.

134. In light of these concerns I have considered whether the need for additional housing in the Aberdeenshire part of the National Park is sufficient to justify the expansion of the village into the established landscape setting to the north of the village. Taking the same table of figures set out at paragraph 2 above and deleting the updated effective supply anticipated at H5 North Braemar the changes to the surplus and shortfall figures are as follows:-

<b>Aberdeenshire Area</b>	<b>2020-2024</b>	<b>2025-2029</b>	<b>2030-2039</b>	<b>Total</b>
Housing Land Requirement	83	54	94	231
Effective supply without H5	137	111	70	328
Surplus/shortfall	+54	+57	-24	+97

*Figures taken from National Park Authority responses to further information requests relating to Table 2 and Appendix 1 of the Proposed Plan*

135. A comfortable surplus remains within the first and second plan periods. Although these figures indicate a shortfall of 24 units after 2030, Scottish Planning Policy only requires the development plan to provide sufficient effective land to meet the housing land requirement up to year 10 following adoption of the plan. Setting aside the assessment of the effectiveness/programming of each part of the supply as at 2020, the Proposed Plan has however identified more than sufficient land to accommodate the housing land requirement in Aberdeenshire up until 2039 without including the land at North Braemar.

136. Without evidence of an overwhelming need to allocate additional land in Aberdeenshire I consider it is premature to consider such a significant change to the form of the village. Consequently I propose to recommend the deletion of H5 North Braemar from the Proposed Plan and the adjustment to the settlement boundary to the north of the village to reflect the current boundary in the 2015 Local Development Plan.

137. As I recommend deleting H5 I do not therefore consider the other detailed matters

relating to this allocation, such as the opportunity to include or exchange the allocation for the play area to the south east of the proposed allocation. It is also unnecessary to give any direction on the changes to the flood risk information suggested by SEPA. I note however that the Developer Obligations on Page 139 already identify the waste water treatment works as an infrastructure consideration.

#### Braemar - additional housing sites

138. As indicated above Braemar sits entirely within a National Scenic Area. Any expansion of the village into the surrounding countryside would inevitably have some impact on the landscape that contributed to that designation. In each of the 5 sites proposed by Mar Estate, the National Park Authority, in the Site Assessment Report (CD018), has highlighted potential negative impacts on the landscape qualities of the area. I share these concerns.

139. As set out above I have strong reservations, on landscape impact grounds, regarding any further development on the north facing slopes between Chapel Brae and Linn Of Dee Road outwith the settlement boundary. AB003 Braemar West and AB008 Chapel Brae West would extend the village into this area.

140. The two larger sites proposed at AB007 Auchendryne West and AB002 Derrywood/Tomintoul would extend the village into the countryside to the south beyond the settlement boundary.

141. AB007 is described as a “small scale development” covering an area of 2.4 hectares of elevated moorland including a visitor car park and the Morrone Lodge Outdoor Centre. The moorland and the adjacent water body (duck pond) mark the transition to the more natural landscape associated with the lower slopes of Morrone. Any brownfield element of the site may benefit from the support in principle offered by Policy 1.3 Other Housing in the Countryside but I do not consider this to be sufficient reason to allocate the wider area of greenfield land for housing development.

142. AB002 is a large area of woodland and pasture that would extend the village by approximately a third. Despite abutting the settlement boundary it would appear detached from the rest of the village by intervening woodland and pasture land. The Site Assessment Report anticipates a significant ecological impact taking into account the SSSI and the Ancient Woodland Inventory site that overlap this area. I also find it difficult to justify the extent of the site proposed with the aspiration to develop only a low density development of 6 to 10 houses.

143. AB006, Broombank Terrace lies within the settlement and the Conservation Area. This site would therefore benefit from the support, in principle, offered by Policy 1.1 Housing Delivery in Settlements. Obtaining planning permission for housing development in this general area would however be dependent on meeting the requirements of the other policies in the plan that address design and environmental considerations, loss of open space or sports facilities and importantly the protection of trees and woodland. Due to the extent of the woodland that lies within the area and the contribution this makes to the character of the area I do not consider it would be appropriate to designate this site for housing development.

144. Given the landscape and other constraints indicated above and the assessed sufficiency of the land supply, even accounting for the deletion of H5 North Braemar, I am

not persuaded that the additional sites proposed in the representation should be allocated at this time.

#### Braemar ED2: The Mews

145. The suggested amendment from SEPA relating to the need for flood risk information is a sensible adjustment reflecting that not all future development would trigger the need for a full flood risk assessment. I propose to recommend modifying the Proposed Plan accordingly.

#### Braemar T1: Caravan park

146. T1 encloses an established camping and caravanning site but with the boundary extending southwards to include additional land where further tourism facilities would be supported. The woodland planting marking the existing site boundaries does not extend around the additional area and it would be open to view from the A93 through breaks in the road side trees.

147. As this is the main approach to the village from the south I can understand why the Community Council is seeking re-assurance that there would be some form of woodland screening. Nevertheless, I agree with the National Park Authority, that without detailed proposals, it would not be appropriate to specify the exact nature, location and extent of any landscaping or screening at this time.

148. In examining other Tourism allocations within the Proposed Plan it is a common theme that those with further potential for development include a site requirement that highlights the importance of landscape and structure planting. Indeed the Landscape Assessment part of the Site Assessment Report (CD018) and the Strategic Environmental Assessment SEA (CD006) relating to this site recommend additional or augmented tree planting. I propose to recommend modifying the site considerations to make such a reference.

149. As stated previously with regard to ED2 above I do not find there is any need to specify the Scottish Water contact details in the site considerations as this is more appropriately provided in planning guidance documents.

#### Braemar - Economic development land

150. There is a small allocation for economic development at ED1 which is retained from the current 2015 Local Development Plan. It has yet to be developed. Braemar Community Council and D Sherrard are seeking to formalise an allocation for economic development land within H5 North Braemar even though the terms of H5 indicate such uses are acceptable in principle.

151. As I recommend deleting H5 in its entirety due to the housing supply figures, the sensitivity of the location and the uncertainty over the wider scope of the masterplan I do not consider it would be appropriate to retain any allocation solely for economic development purposes. No modification is recommended.

152. In reaching this conclusion I am aware that proposed Policy 2 Supporting Economic Growth supports the principle of economic development and tourism related proposals across the National Park especially those addressing local economic need or providing

small business units. Should demand for new business or tourism facilities come forward in the Braemar area the Proposed Plan offers a positive policy framework on which to assess any such proposals.

#### Braemar – other matters

153. To my knowledge the redevelopment of the play area in Braemar, east of the Invercauld Hotel has never been presented as part of any proposal considered at the MIR stage of this plan. As such there was no reason to carry out any public consultation. In the event that this proposal comes forward as a planning application it would be a matter for the developer or the National Park Authority to decide the form and extent of any public engagement that may be appropriate.

#### **Reporter's recommendations:**

1. Modify the site description for H1 Monaltrie Park on Page 106 by deleting the whole paragraph and replacing it with the following:

“The site is allocated for up to 250 dwellings in total. It is proposed that the first phase of 90 dwellings will be delivered in the current Plan period, with the remainder for delivery beyond 2025. In addition, there is capacity for other mixed uses including business and community uses. The boundary of the development area and new open space is indicative. A masterplan for the whole site, including the existing and new areas of open space, will be required as part of the planning application. It should address the following matters: the boundary between the open space and the housing; the phasing of development and; the provision of multiple points of vehicular access. It will also need to demonstrate how the viability of the Highland Games event and adequate parking for that event will be maintained.”

2. Modify the site considerations at H1 Monaltrie Park on Page 106 by inserting the following text at the end of the section relating to flood risk matters as follows:

“.....will require safe access and egress. The open spaces must maintain and, where possible, enhance their existing flood storage and conveyance properties.”

3. Modify the site considerations at H1 Monaltrie Park on Page 106 by adjusting the section relating to open space matters as follows:

“Development proposals should incorporate and enhance Monaltrie Park, ensuring adequate space is provided for all the current facilities at the park including the existing sports pitches and car park”

4. Modify the boundary of the new open space at H1 Monaltrie Park on the overview plan of site allocations on Page 104 and the proposals map on Page 106 by inserting a clear demarcation line between the existing park and the start of the new open space to the east.

5. Modify the site considerations at ED1 Ballater Business Park on Page 107 by deleting the first item and replacing it as follows:

“Any future development will need to take account of the functional flood plain as

defined in the Ballater Flood Study”

6. Modify the site considerations at T1 – Caravan Park (Ballater) on Page 107 by deleting the first item and replacing it as follows:

“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”

7. Modify the list of Developer Obligations for Braemar on Page 139 by adding a second bullet point under the Planning Obligations heading as follows:

“Braemar Medical Practice”

8. Modify the site description for H4 Chapel Brae on Page 141 by adjusting the last sentence as follows:

“Development must also take account of the site’s sensitive topography, its location on the edge of the settlement, the mature trees within the site and any established footpath passing through the area”

9. Modify the proposed housing allocations in Braemar by deleting H5: North Braemar on Page 142 in its entirety and adjusting the settlement boundary on the overview plan of Braemar on Page 138 to reflect the 2015 Local Development Plan settlement boundary for this part of Braemar. (The consequential change to the effective housing supply in Appendix 1 of the Proposed Plan is addressed under Issue 3)

10. Modify the site considerations at ED2 The Mews on Page 143 by deleting the first item and replacing it as follows:

“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”

11. Modify the site considerations at T1 Caravan park (Braemar) on Page 144 by adding a third item as follows:

“Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape.”

<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> Timothy Brian
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
001 003 006 008 037 039 045 059 061 064 072 077 083 085 095 098 103 108 109 113 125 126 129 127 136 137 138 139 140 142 143 145 146 147 148 156 167 168 170 171 179	Equal Adventure Anonymous S Dickie H Brown Anonymous Tulloch Homes Ltd H Moody D Harries and M Helmn D Black Anonymous S and S Crawford W Paterson Tulloch Homes Ltd Scottish Environment Protection Agency (SEPA) John Gordon and Sons R Langridge A Kirk T Davis M Kinnaird Boat of Garten and Vicinity Community Council (BoGVCC) A McInnes L McInnes L Anderson P MacLeod S Kirk Woodland Trust Scotland (WTS) C Turnbull M Campbell Carr-Bridge and Vicinity Community Council (CVCC) J Campbell J Campbell J Knox M Carstairs Niall Calthorpe's 1959 Discretionary Settlement Trust R Locatelli and J Bremner G Bruce M Corser Mac Infrastructure Ltd N Anderson R Williams 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 Kincaig Nethy Bridge
<b>Planning authority's summary of the representation(s):</b>	
<p><u>Boat of Garten - Settlement objectives</u></p> <p>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></p> <p>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></p> <p>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></p> <p>A comment was made that the affordable housing needed to be affordable (Anonymous, 003)</p> <p><u>Carr-Bridge H1: Carr-Road</u></p> <p>The site owners (Tulloch Homes Ltd, 039) object to the reduction in housing units from 72</p>	

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).

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).

#### Dalnain 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.

#### Dalnain 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.

#### Dalnain 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.

#### Dalnain 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 are 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).

#### Dalnain Bridge – General comments

- Consideration of financial investment into services (Equal Adventures, 001).

#### Dalnain 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](mailto: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](mailto: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 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).

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 been 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).

#### Dulnain 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).

#### Dulnain 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: Craigmere Road

H1: Craigmere 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:**

##### Boat of Garten - Settlement objectives

1. Boat of Garten and Vicinity Community Council suggests that the aim to maintain a pleasant, supportive, safe place to live in a sustainable environment should be added to the settlement objectives for the village. However, I agree with the National Park Authority that this objective is a generic one which would apply across the National Park, and is not something specific to Boat of Garten. I am satisfied that application of the statutory aims of the National Park and the stated Vision of the Proposed Plan should secure this general

objective, and that no modification is required to the Plan.

Boat of Garten T1: caravan park

2. I agree with the National Park Authority that there is no need to modify the reference to the water main which runs along the boundary of the site, so that it refers to the need to contact Scottish Water for asset protection guidance. That level of detail is more appropriately addressed in the Authority's guidance notes, rather than the local development plan.

Carr-Bridge - Settlement objectives and Developer obligations

3. Of the settlement objectives for Carr-Bridge, item 3 indicates general support for proposals for business, tourism and recreation in the village. However, it would not be feasible for each objective to detail the circumstances when such proposals would be permissible or otherwise. That is a matter for the relevant policies of the Proposed Plan – e.g. Policy 2: Supporting Economic Growth and Policy 8: Open Space, Sport and Recreation.

4. A similar comment applies to the Struan House Hotel, where one of the settlement objectives supports redevelopment proposals for uses that benefit the community. Any specific proposal would require to be considered against the settlement objectives and the policies applicable to the type of development proposed.

5. The National Park Authority is not able to impose a condition on planning permissions for new housing to restrict its occupation to local people, as is made clear in the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011, which states that: "The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided".

6. I share the Authority's view that it is unnecessary and inappropriate to add a settlement objective to support proposals for an expansion and diversification of the Carrbridge Hotel, including additional car and coach parking provision. The car and coach park which the hotel wishes to construct on a site at Inverness Road is a separate matter discussed later in this section.

7. The Authority's proposal to require all housing developments in Carr-Bridge to include 25% affordable housing is explained in the Housing Evidence Report and considered within Issue 3 (Policy 1: New Housing Development). 'Affordable housing' is defined in the Glossary to the Proposed Plan.

8. I conclude that there is no need to modify the Proposed Plan in response to these representations.

Carr-Bridge H1: Carr-Road

9. This allocation affects the western part (1.3 hectares) of an area of improved grassland, known as the Bulls Field, on the eastern edge of Carr-Bridge. The field is bounded to the north by Carr Road, to the west by a core path which also gives access to two houses, and to the south and east by an established Scots pine plantation. There is a small housing estate on the opposite side of Carr Road. Carr Road is a somewhat circuitous access road, which is narrow with no room for footways but is used by children going to and from the primary school.

10. Page 147 of the Proposed Plan indicates that the H1 site has the capacity for 36 housing units, but acknowledges the limitations of Carr Road and requires appropriate mitigation measures to address the increased level of traffic.

11. The site has a long planning history, having been allocated for housing development since 1997. Planning permission for 117 houses on a much larger site bounded by Carr Road, Crannich Park and Rowan Park was granted on appeal in 2004, and that consent was reflected in the housing allocation in the 2010 local plan. A reduced site, comprising the Bulls Field and an area of woodland to the south, is identified for 76 houses in the currently adopted 2015 Local Development Plan.

12. I conclude that there is a long-established commitment to housing development on the land to the south of Carr Road, Carr-Bridge including site H1 and the remainder of the same field.

13. I note that a recent planning application for 47 dwellings on the whole field (1.99 hectares) was recommended for approval by the Planning Officer, but was deferred by the Planning Committee in order to request further information from the applicant. The applicant then appealed to Scottish Ministers against the failure by the Authority to determine the proposal within the statutory period.

14. The National Park Authority asked the Reporter in that case to allow the appeal and approve the planning application subject to a section 75 agreement and suitable planning conditions. I take that to be the Authority's up-to-date position on the development of the Bulls Field including site H1. On 18 May 2020 the Reporter indicated that he was minded to allow the appeal and to grant planning permission for the proposal, subject to conditions and a legal agreement requiring (amongst other things) a new footpath link to the primary school.

15. I note that Highland Council, the roads authority, did not object to the proposed allocation of site H1 on traffic grounds; nor did the council object to the planning application on the larger site, subject to the provision of appropriate measures to safeguard pedestrians, cyclists and children, including traffic calming and a 20mph speed limit. Having reviewed the applicant's transport statement and additional information, the roads authority recommended conditions (including the requirement for a construction traffic management plan, which could restrict the route and timing of journeys) to be attached to any planning permission for the current proposals for 47 houses on the wider field.

16. The current planning application proposes a footway along the site frontage, together with traffic calming measures to reduce traffic speeds on Carr Road. The developer has agreed to make an appropriate financial contribution to a new footpath link to the primary school, as required in the legal agreement referred to above. One of the proposed conditions requires that no development starts until details are approved for the installation of the 20mph zone and traffic calming measures on Carr Road.

17. I appreciate the concerns expressed about the ability of local services to accommodate the additional development proposed at Carr Road. However, Carr-Bridge is relatively well served with community facilities, having a railway station, primary school, church, village hall, shop, garage, hotels and eating establishments.

18. The National Park Authority advised that it is highly unlikely that the H1 allocation (36 units) would cause the primary school to exceed its capacity. However, the current planning application for 47 units could have an impact on school capacity, and therefore the proposed legal agreement requires that the developer makes a contribution per unit towards education infrastructure. That requirement is consistent with the provisions of Policy 11: Developer Obligations.

19. Scottish Water does not object to the H1 allocation or the current planning application, and has confirmed that there is currently sufficient capacity at the local water treatment works.

20. I do not regard the site density of the H1 allocation (28 units per hectare) as unduly high for a development of small houses; nor would the current planning application's density of less than 24 units per hectare. Indeed, the site plan for the proposed development of the wider field indicates a relatively spacious layout with substantial areas of open space and landscape planting. I do not consider that a development of that nature on this site on the edge of the settlement would be out of scale with the village or detrimental to its character.

21. In relation to the type of housing proposed, the current planning application proposals comprise four flats, 13 terraced houses, 16 semi-detached and 14 detached houses, most of which would have two or three bedrooms. I would regard that as a good mix of dwelling types and sizes, with an appropriate emphasis on smaller dwellings, in keeping with the terms of Policy 1.4 Designing for affordability.

22. I can see no obvious environmental impediment to development of the field, which would be visually contained between Carr Road and the woodland behind. The ecological interest of the field is likely to have been lost in 2017 when it was ploughed and sowed for arable use. Whilst it is currently used for livestock, there is no suggestion the livestock could not be relocated to an alternative field elsewhere.

23. Having regard to the planning history of the site which I have outlined above, the National Park Authority's support for the detailed planning application to develop the entire field with 47 houses, and the Reporter's intention to allow the related planning appeal, I can see no justification for removing the site from the Proposed Plan. In supporting the current application proposals the Authority and the Reporter had to take account of the many concerns raised by local objectors, including the adequacy of the access road, the safety of pedestrians, the capacity of the school and other local services, the impact on the environment, and the density and scale of development.

24. I now need to consider whether the H1 allocation should be extended to reflect the current position identified above. The National Park Authority and the Reporter dealing with the appeal are content with a development of 47 houses across the whole field (1.99 hectares). It would seem anomalous for the Proposed Plan to allocate a smaller area of land (1.3 hectares) and accept fewer houses than it is prepared to grant planning permission for. In those circumstances, it would also be inappropriate for the Proposed Plan to reserve the eastern part of the site as public open space.

25. I conclude that the Plan requires to be consistent with the up-to-date position of the Authority on the matter and the progress of the current appeal, and that the H1 allocation should encompass the entire field. Otherwise there is the prospect that the adopted Plan could be out of step with a new planning permission for the site.

26. On the other hand, I am not persuaded that the number of houses should be increased to 72 to align with the 2015 Local Development Plan, as the site owners suggest. A development of 72 units within the Bulls Field would represent a very high density (36 houses per hectare) for a rural village such as Carr-Bridge.

27. The housing land requirement for the area is discussed elsewhere in this report under Issue 3, but for the purposes of the current issue I note that the latest estimates (which stem from the Highland Housing Need and Demand Assessment) indicate a reduced requirement for housing in the area during the Proposed Plan period compared with the projections in the 2015 Plan. There is therefore less need or justification for a development on the scale which was previously envisaged at Carr Road, particularly given the acknowledged shortcomings of the access road and the requirement to avoid unnecessary woodland removal.

28. Nonetheless, there remains a requirement for housing sites in the area, especially affordable housing. I note that the current proposals on the Bulls Field incorporate 11 affordable dwellings, including four flats. I do not consider that the only other allocated site in Carr-Bridge at H2: Crannich Park (23 units) which is currently under construction will provide sufficient houses to meet the village's needs for the next 10 years.

29. I conclude that the boundary of site H1 should be extended so that it aligns with the site at Carr Road where the National Park Authority has recommended that planning permission is granted for 47 housing units.

30. I note that one of the proposed conditions of the planning permission for 47 dwellings on the field requires the approval of a Construction Environment Management Plan, to include details of the buffer zone between the housing and the woodland to the south and east. I consider that the Proposed Plan should include a similar reference to the woodland within the site considerations on Page 147, together with an explicit reference to traffic calming and the new footpath link to the primary school which are prerequisites of the Authority's support for the scheme.

31. I intend to recommend the consequent modifications to the Proposed Plan.

#### Carr-Bridge H2: Crannich Park

32. This development of 23 houses is already under way, with the sole means of access from the B9153 road. With reference to the representation by Woodland Trust Scotland, I note that conditions 4 and 5 of the planning permission require a revised tree protection plan to show all trees to be protected within and adjoining the site, and the fencing off of a buffer area adjoining the bog woodland to the east of the site.

33. There is therefore no need to modify the Proposed Plan in response to the representations.

#### Carr-Bridge ED1: Land at Railway Station

34. This area of land to be allocated for economic development lies between Carr-Bridge Railway Station and an ancient woodland owned by the Woodland Trust. Given the importance that the Proposed Plan attaches to the protection of ancient woodland, I consider that it is important to recognise that constraint within the site considerations on

Page 148 of the Proposed Plan. I propose to recommend a modification to that effect.

Carr-Bridge ED2: Carr-Bridge Garage

35. Page 149 of the Proposed Plan notes that a sewer main runs through this garage site, but I see no need for the Plan to be modified to advise developers to contact Scottish Water, as that level of detail is best addressed in the Authority's guidance notes, rather than the local development plan.

Carr-Bridge ED3: Former Saw Mill

36. This allocation concerns a substantial brownfield site on the western extremity of Carr-Bridge, on the opposite (west) side of the elevated A9. It covers 3.7 hectares of vacant land which is largely hard surfaced and was formerly occupied by a saw mill. The site is allocated for economic development in association with the upgrade of the A9.

37. The owners seek a wider mixed-use allocation to include a mix of compatible housing, business, tourism and community uses. However, whilst site E3 is very well situated for economic development, I do not consider that it is a suitable location for a housing development. It is remote from the centre of Carr-Bridge and most of the village's community facilities and services such as the primary school, shop, hotels and village hall.

38. Moreover, the surrounding environment is not appropriate for a residential development. The site forms part of a wider industrial enclave to the west of the A9, and there are industrial uses, including a printing press and storage yards containing timber and lorry containers, on the opposite side of the access road. Because of its previous use the land is likely to be contaminated.

39. In any case, the evidence indicates that there is no requirement for further housing sites in Carr-Bridge beyond the allocated sites at Carr Road and Crannich Park discussed above; nor is there any indication of which community uses would wish to locate in such a peripheral location.

40. I conclude that E3 is correctly allocated for economic development purposes only, and that there is no justification to modify the Plan to widen the allocation as suggested in the representation.

41. SEPA advises that a full Flood Risk Assessment may not be required for this site, and the National Park Authority has no objection to SEPA's proposed revision to the site considerations on Page 149. I propose to recommend that the Proposed Plan be modified accordingly.

42. In relation to the representation by Woodland Trust Scotland, the site assessment report notes that invertebrates, in particular solitary bees and lepidoptera (Kentish Glory), are likely to require survey at the Local Development Plan or later stage, and that there is a need to avoid the loss of trees on the western side of the site (which adjoins ancient woodland).

43. The former point is recognised in the site considerations, which indicate that a phase 1 habitat survey will be required due to the possible presence of acid grassland and other significant species. However, the Proposed Plan does not mention ancient woodland as a constraint on the development of this site. I do not consider that it is sufficient to rely on the general provisions of Policy 4.3 Woodlands, which is concerned

with woodland removal for development, rather than developments which could impact on adjacent ancient woodland.

44. I therefore consider that the site considerations should make appropriate reference to both of the issues raised by WTS, and I propose to recommend appropriate modifications to the Plan.

#### Carr-Bridge T1: Landmark Forest Adventure Park

45. Landmark Forest Adventure Park is an established outdoor activity centre with a range of recreation facilities and attractions for families, which is sited within predominantly Scots pine woodland on the southern edge of Carr-Bridge.

46. The T1 allocation extends to over 45 hectares, including a proposed extension of 10.5 hectares to the west of the existing adventure park. The Adventure Park is a major visitor attraction in the Cairngorms National Park, and is recognised as significant tourist infrastructure in Figure 7 of the Proposed Plan, so I agree that appropriate proposals to enhance and expand the facility should be supported.

47. I understand the concern that the extension would lead to a loss of woodland, but subject to suitable mitigation I would not expect this type of activity which depends on the attractive forest environment to cause any significant harm. In relation to the representation by Woodland Trust Scotland, I note that the site considerations already advise that the site is included within the ancient woodland inventory, and that a National Vegetation Classification Survey will be required to inform the design and layout of any proposals. However, the Strategic Environmental Assessment found that the extended area is of relatively ecological low value.

48. The site-specific guidance also indicates that an existing core path runs through the western part of the site, and that any proposals that would result in the closure of the path would need to provide new/alternative path provision of equal or greater quality and amenity value.

49. There is therefore no reason to modify the Proposed Plan in response to the representations regarding the ancient woodland and the core path. However, the National Park Authority supports the amendment suggested by SEPA, which would remove the requirement for a flood risk assessment. I shall therefore recommend the adoption of SEPA's proposed modification.

#### Carr-Bridge New Site: Car Park, Inverness Road

50. This representation concerns an area of land of 0.4 hectares beside the A938 on the north-western edge of the village. The site has been cleared of trees, but some re-planting has taken place.

51. The representation proposes that the site is allocated for car and coach parking for the Carrbridge Hotel, which lies around 250 metres to the south east in the centre of the village. It is evident that the hotel is an important tourist facility, and a substantial direct and indirect employer in the area. The owners wish to address a decline in demand for year-round hotel rooms by developing the conference business, but to achieve that they need additional parking to cater for coaches and cars. They state that there is no alternative within Carr-Bridge.

52. However, the site has a relevant planning history. The birch and Scots pine trees which formerly occupied 70% of the site were felled without a licence from the Forestry Commission, and the Forestry Commission's enforcement notice requires the site to be replanted. An appeal against non-determination of the planning application for the new car park was withdrawn, when the Reporter required an Environmental Impact Assessment of the proposal on the basis that it would be likely to have a significant effect on the environment.

53. Consequently, I find that the site should still be regarded as woodland for planning purposes. The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. That approach is followed in Policy 4.3 Woodlands of the Proposed Plan which indicates that woodland removal for development will only be permitted where it would achieve clearly defined additional public benefits, and that compensation will be expected which is at least equal to the quality and quantity of what is lost. Despite the justification summarised above, I do not consider that the car park proposal qualifies on either count. Only in exceptional circumstances will lack of compensation be acceptable.

54. I therefore conclude that the land should not be allocated for car and coach parking, and that the Proposed Plan does not require to be modified in response to this representation.

#### Cromdale - Developer obligations

55. One of the settlement objectives for Cromdale is to support the delivery of housing that meets local needs, particularly affordable housing. The developer obligations for the village are that all housing developments should include 25% affordable housing, and contributions will be sought from any housing developments towards increasing capacity at strategic community leisure facilities serving Cromdale.

56. The representation from R Locatelli and J Bremner, which is related to their comments on the allocation of site ED1 in Cromdale, raises wider points about the Proposed Plan's policies on affordable housing and developer contributions – topics which are discussed elsewhere in this report within Issues 3 and 6.

57. The Proposed Plan highlights the need to ensure as many affordable houses as possible are built in the National Park, to address the ongoing issue of lack of supply of the right type of housing to meet community needs. However, Policy 1.5 Affordable housing enables developers to seek to negotiate a reduction in the affordable housing requirement if they can demonstrate that it would make an otherwise viable scheme unviable.

58. The wording of the policy makes clear that housing developers are expected to make appropriate provision for affordable housing unless they can prove the case why they should not do so, through a viability assessment. I consider that it is correct to place the onus on the developers to demonstrate why they cannot meet this important requirement, rather than on the planning authority to demonstrate the converse.

59. In any case, any developer obligation would require to meet the Scottish Government's policy tests, which include the requirement that they fairly and reasonably relate in scale and kind to the proposed development. I therefore see no reason to modify the developer obligations for Cromdale in response to the representation.

Cromdale H1: Kirk Road

60. Cromdale is a small, dispersed settlement which has developed on either side of the A95. This open field of 1.7 hectares on the west side of the village is allocated for 20 dwellings, as it is in the currently adopted Local Development Plan 2015. Access would be taken from Kirk Road, a street of bungalows and dormer bungalows, which becomes a country lane with no footways at its west end. There is an outlying enclave of houses at the Old Station, within the proposed settlement boundary. The H1 site would occupy the gap between the Old Station and the remainder of the village.

61. I consider that the development of site H1 would represent the logical rounding off of the settlement at that point, and could help to meet the requirement for housing in the area. The Strategic Environmental Assessment noted that it is an arable agricultural field of low ecological value, and I can see no reason why it could not be developed in a satisfactory manner.

62. Page 154 of the Proposed Plan advises that detailed proposals for the site must take account of the setting of the village, and should be designed in a way that promotes high standards of access, layout, building design and open space. Any proposal could incorporate a footway along the site frontage, though a short section of Kirk Road would probably remain without a pavement.

63. I conclude that the site should be allocated for housing development, and that there is no need to modify the Proposed Plan in response to this representation.

64. I note Scottish Water's request that the Plan refers to the need for developers to contact them for asset protection guidance. However, I accept the National Park Authority's assurance that it will include that requirement within its planning application guidance notes. I agree with the Authority that there is no need to include that level of detail within the Proposed Plan, and hence that no modification is required.

Cromdale H2: Auchroisk Park

65. Once again, I note Scottish Water's request that the Plan refers to the need for developers to contact them for asset protection guidance. However, I accept the National Park Authority's assurance that it will include that requirement within its planning application guidance notes. I agree with the Authority that there is no need to include that level of detail within the Proposed Plan, and hence that no modification is required.

Cromdale ED1: Smoke House

66. This site of 0.3 hectares in the centre of the village is allocated for economic development. It contains a range of disused industrial buildings and yard, formerly occupied by smokehouse and fencing businesses, together with a house on the site frontage. Visibility from the access is restricted by the bridge parapet to the south. Rosebank Cottage is a traditional stone property, which faces the road and backs on to the yard at the rear.

67. I can see no objection to changing the name of the allocation from its former use as a smoke house to 'Rosebank Cottage and surrounding land', and propose to modify the title accordingly.

68. The representation urges a more flexible approach to enable a greater range and mix of potential uses, by changing the site allocation from economic development to mixed use including residential, tourism and leisure as well as business and employment uses.

69. However, this is an economic development allocation, and I note that Policy 2: Supporting Economic Growth supports appropriate tourism and leisure development and other economic development, which would embrace business/employment use. The policy also supports retail, commercial, leisure, offices and community facilities, providing they meet the sequential approach to site selection and other specific requirements.

70. I am not convinced that this site should be developed for housing. Housing sites are already allocated in Cromdale with a total capacity of some 40 units, which is a substantial number for a small village, whereas this is the only economic development site in the settlement. However, the ability to use the existing house at Rosebank Cottage for residential purposes would be unaffected by the allocation. I therefore see no need to modify the description of the allocation (or the site considerations) to apply to a mixed-use scheme, as potentially all or many of the same elements might be permissible within the terms of the existing designation.

71. The allocated site at ED1 lies adjacent to a small watercourse, the Burn of Cromdale, which poses a medium to high probability flood risk. I consider that the requirements to carry out a flood risk assessment and a drainage impact assessment are reasonable demands to ensure the site is not adversely affected by flooding. They are based on the technical advice of the relevant statutory consultees, and cannot be disregarded. I would not support their removal therefore.

72. I conclude that the proposed allocation of site ED1 for economic development, and the associated site considerations, do not require to be modified in response to the representation.

#### Cromdale – other matters

73. The representation by R Locatelli and J Bremner which proposes that the National Park Authority, rather than the developer, should be responsible for carrying out surveys on allocated sites is considered elsewhere in this report under Issue 1.

#### Dalnain Bridge – general comments

74. Dalnain Bridge is a small community on the A938 between Grantown-on-Spey and Carr-Bridge, with a repair garage, post office, church and public hall. The National Park Authority has no objection to a modification to the list of village services on Page 158 of the Proposed Plan so that it refers to a 'post office' rather than a 'shop'. I propose to recommend that the Plan be modified accordingly.

75. Equal Adventure expresses concern about the limited services available in the village, and the need for more investment in safe active travel, leisure provision and better broadband. I note that one of the settlement objectives is to support proposals for safe active travel around Dalnain Bridge and beyond, including to Grantown-on-Spey and Carr-Bridge. The concerns about investment in leisure facilities and internet services apply widely across the National Park, and are addressed in the relevant policies of the Proposed Plan.

76. Policy 8.1 supports the development of sport and recreation facilities, diversification of, or extensions to, existing sport and recreation related business activities, whereas Policy 6 is intended to support world class digital technology through the provision of the most up to date networks to serve homes and business premises.

77. I conclude that there is no need to make any further modifications to Page 158 of the Proposed Plan in response to the representation.

#### Dalnain Bridge H1: Land west of Play Area

78. This field of almost a hectare lies on the southern edge of the village, and is accessed by Skye of Curr Road. The land (which is allocated for 20 housing units) contains a number of Scots pines around the periphery, and further mature trees in the centre of the site. It abuts an extensive pinewood to the south-east.

79. I can see no reason why the allocation could not recognise these constraints within the site considerations on Page 159 of the Proposed Plan, by aiming to retain and protect the existing trees wherever possible in the layout and design of the development, and to safeguard the adjacent woodland. I appreciate, however, that it is difficult to predict at this stage whether it will be possible to maintain a wildlife corridor across the site, though that would clearly be a desirable objective.

80. I would expect that an access point will be found on Skye of Curr Road with adequate visibility in either direction. It would appear that the pedestrian route from School Place to the east lies outwith the H1 site, and may not be either suitable or available as a vehicular access route to the site.

81. The drainage issue identified in one of the representations would be addressed in the Drainage Impact Assessment which is required in the site considerations.

82. I conclude that the site considerations should be modified to recognise the objective to retain and protect the existing trees on site, and to safeguard the adjacent woodland in response to the representation by Badenoch and Strathspey Conservation Group, but that no further modifications are required.

83. In relation to Scottish Water's request that the Plan refers to the need for developers to contact them for asset protection guidance, I accept the National Park Authority's assurance that it will include that requirement within its planning application guidance notes. I agree with the Authority that there is no need to include that level of detail within the Proposed Plan, and hence that no modification is required.

84. The request that site H1 should be deleted in favour of an alternative site in Dalnain Bridge (site reference: THC032) is discussed later in this section.

#### Dalnain Bridge H2: Land adjacent to A938

85. Site H2 is a triangular area of land of 1.3 hectares on the western edge of the village, between the A938 Carr-Bridge road and established Scots pine and birch woodland. The site already has planning permission for 10 dwellings, which would be an exceptionally low density on a site of that size, and I see no difficulty in increasing the capacity to 20 units as proposed.

86. However, I do not consider that it is adequate to leave the question of protecting trees on or adjacent to the site for planning conditions. I would expect the local development plan to highlight the main considerations any potential developer would need to take into account in preparing a detailed proposal for the allocated site. I propose to recommend a modification to the Proposed Plan to address this.

87. In the light of SEPA's advice that a full flood risk assessment may not be required for this site, and the National Park Authority's acceptance of SEPA's suggested alternative form of words, I propose to recommend that SEPA's modification be accepted.

88. In relation to Scottish Water's request that the Plan refers to the need for developers to contact them for asset protection guidance, I accept the National Park Authority's assurance that it will include that requirement within its planning application guidance notes. I agree with the Authority that there is no need to include that level of detail within the Proposed Plan, and hence that no modification is required.

#### Dalnain Bridge - New Site: THC032 Ballintomb Wood

89. This site on the eastern edge of the village comprises a woodland area to the south of the A938, where it is proposed to reserve 1.6 hectares for housing (half of which would be built during the Proposed Plan period), and 2.7 hectares for native woodland/amenity greenspace. It is suggested that this site should be allocated for housing in place of site H1 (discussed above).

90. The current use of the site is described as a commercial plantation by the site promoter and in the National Park Authority's site assessment report. The promoter advises that the plantation is due to be felled, and that it is of low ecological value.

91. However, the site assessment report also notes that the entire site is identified on SNH's ancient woodland inventory (category 2b – long established plantation origin), which means it has been established for many hundreds of years. Whilst the site was densely planted with non-native Norway spruce in more recent times, these have been thinned and the site assessment indicates that it may contain plants and fungi of interest.

92. I consider that the suggested allocation of part of Ballintomb Wood would be contrary to key elements of Policy 4: Natural Heritage. Specifically, it would conflict with the requirements in Policy 4.3 that woodland removal for development will only be permitted where it would achieve clearly defined additional public benefits, and that there will be a strong presumption against removal of Ancient Woodland Inventory Sites, which are considered an irreplaceable resource.

93. I have concluded elsewhere in this report under Issue 5: Protecting the Environment that Policy 4.3 is consistent with the relevant provisions of SPP, and the Scottish Government's Policy on Control of Woodland Removal.

94. I am not persuaded that the allocation for housing of this woodland area to the east of Dalnain Bridge would achieve clearly defined additional public benefits, as an alternative site has been allocated at H1: Land west of Play Area which does not require woodland removal, appears to be effective, and is satisfactory in other respects.

95. I therefore conclude that site THC032 Ballintomb Wood should not be allocated for

housing, and that the Proposed Plan's allocation for housing of site H1: Land west of Play Area should remain.

#### Kincraig - Developer obligations

96. Two representations query why the Proposed Plan expects any housing developments to contribute towards an extension to Kingussie High School, and yet does not contain a similar requirement for a contribution towards increasing capacity at the local Alvie Primary School (on the northern edge of Kincraig).

97. However, the National Park Authority, which takes advice on the matter from Highland Council as education authority, indicates that the primary school is expected to have at least 30% spare capacity during the Plan period. On that basis, I do not consider that the Proposed Plan requires to be modified as suggested in the representation. Nonetheless, if circumstances change within the next 10 years there would still be the ability to seek a contribution under the terms of Policy 11: Developer Obligations.

#### Kincraig H1: Opposite School

98. Site H1 is an agricultural field of over 5 hectares at the north end of the village, which the Proposed Plan allocates for up to 40 housing units. It is bounded by an estate of 28 dormer bungalows at Macbean Road to the south-west, the B9152 to the north-west, woodland to the north-east and the Perth-Inverness railway line to the south-east. On the opposite side of the B9152 there is a commercial garage, three individual residential properties, and the access to the primary school.

99. The site is an established housing allocation, having been identified for 40 dwellings in the adopted 2015 Local Development Plan, and represents a significant proportion of the local housing land supply. I consider that the allocated site, though substantial, is well contained by development on two sides, and the railway and woodland on the other two sides. It is located next to the primary school, and would integrate satisfactorily with the settlement form. Hence, I do not agree that there should be a presumption against large housing estates in Kincraig, as is suggested in one of the representations.

100. As already stated, the site is allocated for up to 40 (and not 70) units, which would amount to a very low density on a site of that size, even taking account of the need to avoid building on the wetland area at the southern end of the site. I would therefore expect that the land could be developed for housing in a manner in keeping with the village, in terms of scale, design and density.

101. In any case, any housing development on the land would have to conform to the relevant policies of the Proposed Plan, including Policy 3.3 Sustainable Design which requires proposals to be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, using materials and landscaping that will complement the setting.

102. The National Park Authority is not able to impose a condition on planning permissions for market housing to restrict its occupancy. However, the Proposed Plan expects all housing developments in Kincraig to include 25% affordable housing, which suggests that 10 of the houses at H1 would be reserved for local needs. Consequently, I see no requirement to modify the Plan in response to these representations.

103. I note the advice from SEPA that a full flood risk assessment may not be necessary for the site, and the National Park Authority agrees that the site considerations should be amended to reflect that. I propose to recommend that SEPA's modification be accepted.

104. Woodland Trust Scotland is keen to ensure that the proposed structural planting employs native species, so that the development successfully integrates with the surroundings including the native woodland to the north. However, I consider that the planting schedule is best left until the planning application stage when the site layout and design is known, and I conclude that no modification is necessary here.

#### Kincraig ED1: Baldow Smiddy

105. I propose to recommend that the site-specific guidance relating to the flood risk at this economic development site is modified in the light of SEPA's advice (which is accepted by the National Park Authority).

#### Kincraig ED2: North of B9152

106. This proposed economic development site is located at the northern end of Kincraig, between the B9152 and the new A9 dual carriageway. On the opposite side of the B9152 is the Macbean Road housing estate (described above), with the proposed H1 housing site beyond.

107. The landform rises to the west of the B9152, and the site is elevated in relation to the housing estate on the other side of the road. There is no natural screening along the north-west boundary of the site, which means that the land is prominent from the A9. However, there is an established belt of landscape planting between the housing estate and the road frontage.

108. The site of 1.6 hectares was originally an agricultural field, but was used under permitted development rights as a temporary works compound during the construction of the Kincraig to Dalraddy section of the A9 dualling project, which has since been completed. An area of ground was levelled and hard surfaced to accommodate a parking area and temporary buildings, and screen bunding was formed along the B9152 road frontage. The contractor's yard was accessed from a minor road on its north-east boundary, which has now been widened and realigned in association with the A9 dualling works.

109. Although the compound is no longer in use and the associated temporary structures (except a small timber store) have been removed, the access, parking area and concrete bases remain. The Macbean Road Residents Association and other local residents advise that they were assured the compound would be temporary and the site would be fully reinstated.

110. The Scottish Government expects development plans (including the Proposed Plan) to allocate a range of sites for business, taking account of market demand, location, size, quality and infrastructure requirements.

111. The National Park Authority's Economic Development Evidence Report advises that there was a total employment land supply of 140.4 hectares in 2017, but because most of these sites have already been developed the available supply of undeveloped sites for new economic development is around 24 hectares. There does not appear to have been a

study of the need and demand for economic development land in the National Park since 2011, so it is not possible to determine how much additional land is required across the Park for the next 10 years.

112. Nonetheless, I accept the National Park Authority's position that the Proposed Plan is obliged to allocate a range of sites, in order to promote diversification of the rural economy, meet the requirements of business and support sustainable economic growth. However, in the absence of an up-to-date assessment of the need and demand for economic development sites in the National Park, it is not possible to say that any one particular site must be allocated in order for the Proposed Plan to comply with Government policy.

113. The 2011 study recommended that economic development could be best supported through the allocation of some larger sites in more strategic settlements, more limited allocations within intermediate settlements and supportive planning policy for proposals in smaller settlements.

114. The Proposed Plan's identification of 1.6 hectares of land at Kincaig is evidently the only allocation of land in a strategic or intermediate settlement which is not based on an established business/industrial site or a brownfield site. I regard the land at Kincaig ED2 as a greenfield site, since that is the condition to which it should have returned when the temporary use came to an end. I do not consider that the former use of the site as a temporary contractor's yard for the A9 improvement works need set a precedent for the development of the land for economic development. Instead, the proposal should be assessed on its merits.

115. The 2011 study suggested that there may be a case to allocate commercial and industrial sites close to good transport links and centres of population to promote inward investment. The Economic Development Evidence Report concludes that the Local Development Plan should utilise opportunities to allocate appropriate additional employment land, particularly where it can benefit from being in close proximity to the A9 or focused in centres of population.

116. In relation to that conclusion, I would have expected any significant new allocation of economic development land to be sited in or close to one of the main settlements in the National Park, or close to a junction with the A9 or other main route.

117. Whilst the proposed ED2 site at Kincaig adjoins the A9, it does not benefit directly from any junction improvements or improved accessibility arising from the recent dualling of the route. The B9152 passes through the village roughly parallel to the A9. It is generally of good construction but follows a more circuitous route through the countryside. The site lies some distance along the B9152 from the closest centres of population at Kingussie and Aviemore where the nearest junctions with the A9 can also be found. (Kingussie is around 9km to the south-west and Aviemore about 10km to the north-east).

118. I also have concerns about the location of the proposed ED2 site within the village of Kincaig and the proximity to existing and proposed housing. As already stated, the site is prominent from the A9 and B9152, with little natural screening, and overlooks an estate of 28 houses, the nearest of which is only around 40 metres away.

119. Local residents complain that the contractor's yard generated increased traffic on the B9152, noise and light pollution; and it is a legitimate concern that any similar use in

the future could pose similar problems. The National Park Authority is not prepared to restrict the type or use of economic development on the site. Therefore, the site might attract the types of business which require outside storage of materials or parking of heavy vehicles or equipment, or large prefabricated buildings for storage or manufacturing purposes.

120. The Authority now indicates that future proposals should consider the prominence of the site. However, even with screening and landscaping I am not convinced that this conspicuous site between the expanding housing area and the A9 trunk road is the appropriate location to introduce a substantial new economic development, or that it would be possible to adequately regulate the activities on the site to avoid causing disturbance to nearby residents.

121. I therefore consider that the allocation of site ED2 Kincaig for economic development should be deleted from the Proposed Plan, and I propose to recommend that Page 165 of the Plan and the settlement boundary are modified accordingly.

122. Consequently, I do not require to consider SEPA's request to amend the wording of the site-specific guidance.

#### Kincaig - Alternative site

123. It is suggested in representations opposing the allocation of site ED2 above, that the land behind and adjoining Ross's Garage should be allocated for economic development instead. This would represent the expansion of site ED1 to encompass the unallocated compound to the rear of the garage, together with the undeveloped land to the side in front of Hillview.

124. However, it appears that this alternative site was not investigated during the preparation of the Proposed Plan, so I have no site assessment to draw on, nor any indication as to the views of consultees such as SEPA or others who might have an interest in the site.

125. I am therefore unable to recommend that the alternative site is included in the Proposed Plan, though I note that Policy 2.4 Other economic development gives general support to proposals which support or extend the economy, particularly where they contribute to the provision of an identified local economic need, such as the provision of small business units.

#### Nethy Bridge - General

126. Nethy Bridge is a dispersed village in an attractive setting, popular with tourists, which developed on either side of the River Nethy. The Proposed Plan records that the village has a good range of community facilities and an extensive local path network.

127. The representation by T Davis opposes the allocation of site H2 on the periphery of Nethy Bridge, and instead suggests that affordable housing be built on sites near the centre of the village. However, no particular sites are identified for inclusion in the Proposed Plan.

128. I note that two housing sites are allocated in Nethy Bridge, at H1: Lettoch Road, and H2: Lynstock Crescent, the latter of which is allocated for four affordable housing units. I

understand the local concern about the high proportion of second homes in Nethy Bridge, but I do not consider that this is a reason to stop the development of new housing in the village, especially if it enables the provision of affordable homes. One of the stated objectives for Nethy Bridge is to support the delivery of housing that meets local needs, particularly affordable housing. All housing developments in the village are expected to include 25% affordable housing.

129. Scottish Planning Policy states that 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 identification of settlements where a higher proportion of affordable housing is to be sought is explained in the Housing Evidence Report (CD012), and discussed elsewhere in this report at Issue 3.

130. I conclude that there is no reason to modify the Proposed Plan in response to this representation.

#### Nethy Bridge H1: Lettoch Road

131. This site forms part of a grazing field of 4.2 hectares on the south-eastern edge of Nethy Bridge. The field is bounded by the River Nethy to the southwest, a small modern housing development (Lynstock Park) to northwest, and woodland to the northeast and southeast. The land is accessed from the centre of the village, around 1.6 km away, via Lynstock Crescent and Lettoch Road which serve an established residential area. Lettoch Road narrows to a country lane beyond Lynstock Park.

132. The Proposed Plan allocates only a limited portion of the field for housing at its northern end adjoining Lettoch Road. The Strategic Environmental Report indicates that around 40% of the field is within the medium probability flood zone, whereas the Proposed Plan states that there is a medium to high probability flood risk in the lower half of the site.

133. It would not be possible for the National Park Authority to require the landowner to provide allotments on the non-developable part of the site, as has been suggested, as that requirement would be unrelated to the proposed housing development.

134. I can appreciate the local concerns about the peripheral location of the H1 site and the adequacy of the approach road. However, only one housing site in Nethy Bridge is advanced for consideration as an alternative to H1, which is discussed below, and because of the village's elongated linear form any new sites are likely to be on its outer edges. The River Nethy and the surrounding protected open space severely restrict the scope for development within the village, and any development on the edge is likely to be limited to the corridor between the river and the nearby woodland.

135. Although the proposed allocation at H1 would further extend the village to the south east, it would represent development in depth rather than linear development. The site is close to the public footpath network, with a riverside path to the centre of Nethy Bridge, and there is a bus stop within 800 metres of the site.

136. I note that the access road has a pavement on one side and is wide enough for two vehicles to pass, though the final section has passing places denoted on the carriageway. There is scope to form a satisfactory access, pavement and road crossing if necessary. The roads authority does not object to the proposal, and I would not expect that a modest housing development on this site would make an appreciable difference to the volume of traffic using Lettoch Road, or to the safety and convenience of road users.

137. I consider that the development would be relatively well contained in landscape and visual terms, because of its position between the woodland, the River Nethy and the neighbouring housing estate. The Proposed Plan expects detailed development proposals for the site to complement the nature of the woodland opposite, views towards the Cairngorms, and the nature of nearby development.

138. BSCG advises that the site supports Scottish Biodiversity List species and provides important habitat and connectivity. The Site Assessment Report confirmed that the field is potentially a species rich grassland supporting a good range of plants and fungi, and recommended that further surveys, including a protected species survey, be conducted to provide further information. I consider that the site considerations should reflect that advice, and I propose to recommend a modification to the Plan accordingly.

139. I note the comment by R Turnbull that site H1 would reasonably accommodate around 10 houses rather than 20 houses proposed. However, it is evident from a study of the site plan that the stated area of 0.5 hectares which is shown on Page 168 of the Proposed Plan is inaccurate, and that the correct site area is instead around 1 hectare. I shall recommend that the Plan be modified to remedy that error.

140. I consider that the proposed density of 20 houses per hectare is not unusually high, and that the suggested halving of the capacity of the site would be at odds with the emphasis on small, affordable dwellings which is such an important objective of the Proposed Plan. I therefore do not propose to recommend a reduction of the site capacity as suggested.

141. For his part, the site owner contends that now a full flood assessment has been carried out the entire field (taking account of the now identified flood plan) should be allocated for 42 houses. A scheme of that scale would have the advantage of providing around 10-11 affordable homes, rather than the five which would be produced by the proposed 20 house allocation. I can also see the argument that there might be pressure to develop the remainder of the land if only part of the field is allocated.

142. Nonetheless, the analysis of housing land need and demand in Badenoch and Strathspey, which is set out in the Housing Land Report and discussed elsewhere in this report under Issue 3, demonstrates that there are sufficient sites to meet the housing land requirement for the Plan period. That indicates that there is no need to release such a large site for development in Nethy Bridge at this time.

143. I therefore propose to confirm the allocation of site H1 for housing, and to decline the owner's request to extend the site to allocate the whole field.

144. The National Park Authority is content with the amendment to the site-specific guidance suggested by SEPA, and I therefore propose to recommend that the Plan adopts the revised wording in relation to flood risk.

145. However, in relation to Scottish Water's request that the Plan refers to the need for developers to contact them for asset protection guidance, I accept the National Park Authority's assurance that it will include that requirement within its planning application guidance notes. I agree with the Authority that there is no need to include that level of detail within the Proposed Plan, and hence that no modification is required.

Nethy Bridge H2: Land at Lynstock Crescent

146. Site H2 is an area of vacant land in the south-eastern sector of Nethy Bridge, but unlike H1 it is located well within the village boundary, and opposite an established housing area. The site is bounded by trees on three sides, including along the east bank of the River Nethy, and by Lynstock Crescent. A well-used, lit footpath along the northern boundary of the site leads to a bridge over the river, and connects to the wider footpath network. There is a children's play area on the opposite side of the road.

147. Part of the site is at medium to high risk of flooding and is therefore likely to be devoted to landscaping. To that extent the allocation would meet the request by BSCG to maintain an extensive buffer next to the river. The site is not public open space or registered croft land; nor do I consider that it would be premature to release the site for housing in the Plan period. I can see no objection to an affordable housing development on the part of the site which is not vulnerable to flooding.

148. It would not be possible for the National Park Authority to require the landowner to provide allotments on the non-developable part of the site, as has been suggested, as that requirement would be unrelated to the proposed housing development.

149. The National Park Authority does not object to SEPA's suggested amendment of the site consideration relating to flood risk, and I propose to recommend a modification to the Proposed Plan in accordance with SEPA's advice.

150. Once again, in relation to Scottish Water's request that the Plan refers to the need for developers to contact them for asset protection guidance, I accept the National Park Authority's assurance that it will include that requirement within its planning application guidance notes. I agree with the Authority that there is no need to include that level of detail within the Proposed Plan, and hence that no modification is required.

151. However, it is clear from the Site Assessment Report (CD018) that the stated site area of 1 hectare which is shown on Page 169 of the Proposed Plan is inaccurate, and that the correct site area is instead around 0.5 hectares. I propose to recommend that the Plan be modified to remedy that error.

Nethy Bridge - deletion of site H1: Craigmore Road

152. This representation concerns an area of 2.08 hectares within extensive pinewood to the east of Nethy Bridge, which is crossed by signed footpaths. The suggested site boundary is not marked on the ground by any obvious physical features though it appears to lie predominantly to the north of a power line corridor through the trees. The site was first identified for housing in 1987, and was the subject of an outline planning permission. The decision to outline grant planning permission was made by Highland Council before the establishment of the Cairngorms National Park, but the associated section 75 agreement was not concluded until 2006.

153. Most recently the 2015 Local Development Plan allocated the site for 15 housing units, but the National Park Authority has deleted the site from the Proposed Plan "due to significant natural heritage constraints" (Main Issues Report, page 87). The landowners (Tulloch Homes Ltd) contend that the site should be reinstated as a housing allocation in the Plan.

154. However, the suggested allocation at Craigmore Road would extend the village eastwards in a linear fashion by over 300 metres (as opposed to the 140 metres extension proposed at the allocated site H1: Lettoch Road). Most importantly, the entire site is covered by high-quality ancient woodland which is registered in the Ancient Woodland Inventory, and its development for housing would remove a significant section of woodland which forms part of the distinctive landscape setting of Nethy Bridge, a 'forest village'.

155. It is hard to see how the woodland could be developed without substantial tree loss and adverse ecological impact, even with mitigation. I am not persuaded that the intended careful layout, ecological study and management plan would adequately mitigate the potential damage to this ancient woodland area.

156. It is the Scottish Government's policy, set out in SPP, to protect and enhance ancient woodland. Policy 4.3 of the Proposed Plan indicates that there will be a strong presumption against removal of ancient woodland sites, which are considered to be an irreplaceable resource. The only exceptions are where the need or justification for the development is shown to outweigh the contribution of the woodland, or where it is demonstrated that the woodland is of low ecological value.

157. Neither of those possible exceptions applies here. Indeed, the Site Assessment Report indicates that the site has potential for a number of protected species (pine marten, red squirrel, crossbill and capercaillie), and that surveys are likely to be required for wood ants and green shield moss.

158. In summary, I agree with the National Park Authority that the proposed development is likely to have significant ecological and landscape impacts. I therefore conclude that the land at Craigmore Road should not be allocated for housing in the Proposed Plan, and that no modification is required in response to this representation by Tulloch Homes Ltd.

#### Nethy Bridge - new site: land north and north east of Nethybridge Hotel

159. This area of undeveloped land (2.63 hectares) lies to the rear of the Nethybridge Hotel, a substantial stone building which is a landmark in the centre of the village. The land, which slopes steeply up to the north and east, has a road frontage with the B970 on its west side, and with a housing estate road (Braes of Balnagowan) to the east. The land appears to be unused, but there is a well-used footpath across the site, which runs north from Braes of Balnagowan.

160. Tulloch Homes Ltd proposes that this area be allocated for housing, in the event that the land at Craigmore Road (discussed above) is not considered suitable for allocation. Planning permission has previously been granted for housing development on the land north and north east of the hotel.

161. However, the land is designated as protected open space in the Proposed Plan. It was similarly protected in the 2015 Local Development Plan, which explained that a "number of open spaces in Nethy Bridge are identified as contributing to the setting of the village and will be protected from development."

162. I agree that this undeveloped area fulfils an important open space function, as it forms an integral part of the attractive landscape setting to the hotel and the village on the approach from the north. I have already found above that sufficient sites have been identified elsewhere for housing development in the Badenoch and Strathspey area,

including Nethy Bridge. I conclude that there is no justification for releasing this area of protected open space for housing development, and I do not propose to recommend that the Proposed Plan be modified in response to this representation.

### Reporter's recommendations:

1. Modify the site boundary of Carr-Bridge H1: Carr-Road on Pages 145 and 147 so that it aligns with the site boundary of planning application 2019/0120/DET.
2. Modify the description of the Carr-Bridge H1 allocation at the top of Page 147 to read:
 

“H1: Carr Road/Allocated for Housing 1.99ha  
Indicative Residential Capacity: 47 units”.
3. Modify the first sentence of the Carr-Bridge H1 site description on Page 147 to read:
 

“This site has the capacity for 47 dwellings during the Plan period.”
4. Modify the second paragraph of the site considerations for Carr-Bridge H1 on Page 147 so that the second sentence reads:
 

“Ensuring the inclusion of appropriate mitigation measures, such as traffic calming and the provision of a new footpath link to the primary school, to address the increased level of traffic will be a key requirement of any proposed development.”
5. Modify the site considerations at Carr-Bridge H1 on Page 147 by adding the following at the end of the fourth paragraph:
 

“..., and measures will be taken to ensure the protection of the adjacent woodland.”
6. Modify the site considerations at Carr-Bridge ED1: Land at Railway Station on Page 148 to add the following:
 

“Any new development will require to protect the adjacent ancient woodland.”
7. Modify the first part of the site considerations at Carr-Bridge ED3: Former Saw Mill on Page 149 to read:
 

“A Flood Risk Assessment or other supporting information may be required to identify the developable area.”
8. Modify the second part of the site considerations at Carr-Bridge ED3: Former Saw Mill on Page 149 to read:
 

“A Phase 1 Habitat Survey and Invertebrates Survey will be required due to the possible presence of acid grassland and other significant species. Any new development will require to protect the adjacent ancient woodland.”
9. Modify the site considerations at Carr-Bridge T1: Landmark Forest Adventure Park on Page 150 by deleting the paragraph which requires a flood risk assessment.
10. Modify the title of the allocation of Cromdale ED1: The Smoke House on Page 155 to

read: “Cromdale ED1: Rosebank Cottage and surrounding land”.

11. Modify the list of services in Dulnain Bridge in the second sentence at the top of Page 158 so that it refers to a “post office” rather than a “shop”.

12. Modify the site considerations at Dulnain Bridge H1: Land West of Play Area on Page 159 by adding:

“The site layout should aim to retain and protect the existing mature trees within the site, and to safeguard the adjacent woodland.”

13. Modify the site considerations at Dulnain Bridge H2: Land adjacent to A938 on Page 159 so that it reads:

“A Flood Risk Assessment or other supporting information will be required to inform the site layout.”

14. Modify site considerations at Dulnain Bridge H2: Land adjacent to A938 on Page 159 by adding the following:

“The site layout should aim to retain and protect existing trees within and adjoining the site.”

15. Modify the first part of the site considerations at Kincaig H1: Opposite School on Page 163 to read:

“A Flood Risk Assessment or other supporting information will be required to establish the developable area.”

16. Modify the first part of the site considerations at Kincaig ED1: Baldow Smiddy on Page 164 to read:

“A small culverted watercourse lies adjacent to the site which may present a flood risk. A Flood Risk Assessment or other supporting information may be required...”

17. Modify the Proposed Plan by deleting the reference to Kincaig ED2: North of B9152 on Page 165 and on the settlement plan on Page 162, and amending the settlement boundary to exclude the site.

18. Modify the site area of Nethy Bridge H1: Lettoch Road on Page 168 to read: “1 ha”.

19. Modify the first part of the site considerations at Nethy Bridge H1: Lettoch Road on Page 168 to read:

“Medium to high probability flood risk exists adjacent to site. A Flood Risk Assessment or other supporting information may be required to determine the developable area.”

20. Modify the site considerations at Nethy Bridge H1: Lettoch Road on Page 168 to add the following:

“A National Vegetation Classification survey, protected species survey and fungi

survey will be required to accompany and inform the design and layout of any future development proposals.”

21. Modify the site area of Nethy Bridge H2: Land at Lynstock Crescent on Page 169 to read: “0.5ha”.

22. Modify the first part of the site considerations at Nethy Bridge H2: Land at Lynstock Crescent on Page 169 to read:

“Medium to high probability flood risk exists in the lower half of the site. A Flood Risk Assessment or other supporting information will be required to determine the developable area.”

<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> Elsbeth Cook
<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></p> <p>Atholl Estates (133) request the inclusion of an additional objective to:</p> <p><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></p> <p>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</li> </ul>		

a sprawling village (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151).

- 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, 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 be 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 (page 130) 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 2014/03111/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:**

##### Public Engagement issues - Blair Atholl and Tomintoul

1. The opportunities for public participation in the preparation of the Proposed Plan are set out in the Participation Statement. The National Park Authority has also confirmed that notifications were sent to those properties in Blair Atholl and Tomintoul within 20 metres of the proposed allocations. Elsewhere in this report we consider the representations about the adequacy of consultation and public involvement in the Plan process, including those relating to Blair Atholl and Tomintoul. We have concluded that sufficient efforts have been made to ensure communities and interested parties have been offered an opportunity to be involved in the process.

##### Blair Atholl - Settlement objectives

2. The settlement objectives in Section 5 of the Proposed Plan are not intended to promote individual site allocations or set out the relevant policies that may apply to individual proposals. In that context the additional settlement objective, as proposed by Atholl Estates, would not be appropriate.

3. The existing settlement objectives focus on the continued success of recreation and tourism enterprises and the potential for new investments arising from the planned improvements to the A9 and the Highland Main Line. While the “local economic service role” of the village is evident from a number of the facilities in the village, it remains a secondary function and need not be included in the settlement objectives.

4. The reasons for the higher percentage of affordable housing expected in Blair Atholl are addressed in Issue 3 Policy 1 New Housing development.

Blair Atholl Housing Sites - general comments

5. Representations seek to ensure that any new house is prevented from becoming a second home and any affordable housing remains so in perpetuity. This matter has been addressed in more detail in Issue 3. It is accepted that the policies of the proposed plan are addressing these issues as far as is possible within the restrictions of the current legislative and national policy framework and no modification to any individual housing allocation is required.
6. The Schedule 4 response from the National Park Authority has highlighted to me that a windfall development at Land North of Little Orchard, Blair Atholl offers eight affordable homes. This site is identified in the 2018 Housing Land Audit for Perth and Kinross and was expected to be completed in 2019. This would appear to explain why it is not presented as a housing allocation in the Proposed Plan. The development is now underway (March 2020) and the progress evident at the site suggests that the houses would be available within the latter half of 2020.
7. As work had not commenced in 2019 these units have not been deducted from the past shortfall added to the new housing supply target for 2020 to 2024. The National Park Authority therefore confirms this site should be considered part of the effective supply available within the first plan period 2020 to 2024. This has already been addressed under Issue 3 where I set out a proposed modification to the Housing Allocations and Housing Land Supply at Appendix 1.
8. Issue 10 is concerned with the settlement statement for Blair Atholl. To follow on from my conclusions on Issue 3, I propose to recommend modifying the settlement statement by adding a third housing site to the allocations depicted on page 128 and to request the addition of a separate allocation entry with relevant mapping. The site would be identified as “H3: Land North of Old Orchard, Allocated for housing. Indicative Residential Capacity: 8 units.” The description would be as follows:- “The site is allocated for 8 dwellings and has planning permission” and the site boundary should reflect the approved site plan under planning permission 2017/0264/DET.
9. Following the assessment of the wider Housing Supply Target and Housing Land Requirement figures under Issue 3 the total figures for Perth and Kinross remain unchanged (30 units in 2020-24 and 18 units in 2025-2029). The addition of H3 indicates that there would be a total effective supply in the first plan period of 36 units and a supply of only 2 units that would remain available for the second plan period. The Proposed Plan, at Paragraph 4.11, expects the housing land requirement in Perth and Kinross to be met, in part, by windfall developments though no provision for such sites is incorporated into Appendix 1. However with the shortfall amounting to 10 units over the 10 year period I do not find such an assumption to be unreasonable.
10. Notwithstanding my assessment of the representations on H1 and H2 below, I do not consider the slight over-supply of 6 units to justify the deletion or adjustment to any particular site allocation. With such a small indicative supply figure attributed to the second plan period I consider it would be reasonable to retain this over-supply. The next review of the 2020 local development plan would be able to consider the level of successful completions arising from these sites and any other windfall sites and adjust future housing supply targets accordingly.

Blair Atholl - H1: Old Bridge of Tilt

11. The current settlement boundary for Blair Atholl in the 2015 Local Development Plan encloses the historic planned village of Blair Atholl, Bridge of Tilt, and the Blair Castle camp site. The proposed settlement boundary now includes the separate grouping of dwellings at Old Bridge of Tilt lying approximately 1 km north of Bridge of Tilt.

12. I have interpreted this change to the settlement boundary as an indication that Old Bridge of Tilt is expected to function as a satellite community within Blair Atholl and not as a separate rural settlement. On that basis it is reasonable to consider potential greenfield housing sites at this location as a means to secure additional housing land at Blair Atholl. Any restrictions on development that may have applied here previously eg brownfield or infill sites, would not apply to the consideration of new allocated sites.

13. The 1 hectare site at H1 is located at the northern end of a single large field lying between Old Bridge of Tilt and Bridge of Tilt. The majority of the field would remain undeveloped and there would be no significant impacts on the separate identities of the two parts of the settlement or their landscape setting.

14. For Blair Atholl to successfully incorporate Old Bridge of Tilt, and H1, it is important that there is good connectivity between the various parts of the settlement. The current access deficiencies in this regard have been highlighted by the representations and are cited as a reason to resist the development at H1.

15. I examined the current vehicular and pedestrian links to Old Bridge of Tilt at my site inspection. The primary school, local shop and bus stops in Bridge of Tilt are approximately 1.2 km away (Blair Atholl railway station slightly further) and there are two possible access routes: the minor road and a core path. The minor road is an unlit, single track route with passing places and lacks a pedestrian footway. The core path runs parallel to the minor road through the woodland next to the River Tilt and is also unlit. It joins the north side of the B8079 via a set of steps. At this point there is only a narrow grass verge and no crossing facility to the footway on the south side of the road. Neither option offers an accessible and safe walking route. It is likely that existing residents rely on private car journeys to access the village facilities.

16. Scottish Planning Policy, in paragraph 270, expects patterns of development to “provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport” and in paragraph 273 states “The aim is to promote development which maximises the extent to which its travel demands are met first through walking, cycling, then public transport and finally through use of private cars”.

17. PAN 75 Planning for Transport recommends that walking distances to bus and rail services should be less than 400 and 800 metres respectively, but walking distances of up to 1600 metres to local facilities are acceptable. Achieving these standards within remote rural areas will be difficult and it is acknowledged by the National Park Authority that developments in the National Park will be reliant to a greater extent on private car journeys.

18. In this case however the walking distance to the school and shop meet national guidance. It is the distance to public transport facilities that is longer than that recommended by the above guidance. The availability of these bus and rail services

(albeit with limited frequency) is an important consideration at this location and I consider it is reasonable to entertain a relaxation in the recommended walking distances.

19. The importance of improving the access connections is identified in the site considerations listed for H1. A “safe access between the site and the village” is to be provided along with “road improvements, specifically road widening around the entrance to the site”. The National Park Authority confirm this ‘safe access’ would include a pedestrian route between H1 and the rest of Blair Atholl.

20. Representations indicate concerns regarding the junction of the minor road with the B8079, the construction access route, the turning facilities for service vehicles and the provision of street lighting. It is not however the purpose of this examination process to determine the exact nature of road or footpath improvements. Such detailed matters would be for any subsequent planning application to address. Along with any impacts arising from additional traffic movements on the route north of Old Bridge of Tilt.

21. These concerns however have drawn my attention to some ambiguity in the wording of H1 in the Proposed Plan. I find it would benefit from further clarity on the purpose of the improved access route. For example the ‘safe access’ does not clearly indicate the importance of pedestrians and could be construed as applying to vehicular use only. The reference to ‘the village’ could apply to Old Bridge of Tilt rather than Blair Atholl. I therefore propose recommend an adjustment to the description of H1 to ensure these requirements are clear.

22. It is not disputed that the density of H1 would be greater than the current density in the grouping nor that it would effectively double the number of dwellings. The Partnership Plan however is clear in its aspirations to build smaller homes suitable for the needs of local people within the National Park. On that basis and when applying Policies 1.4 and 1.5, it is inevitable that the density on individual sites would increase accordingly.

23. The site considerations expect any development to complement the existing character of Old Bridge of Tilt. If smaller and affordable dwellings are to be delivered it is likely that the development would be in the form of larger buildings containing more than one house eg terraced blocks or semi-detached pairs. I consider this form of design is capable of delivering a built form that is similar in scale to the larger detached houses that influence the existing character of the grouping. I find the existing site considerations address this issue adequately and no modification is required.

24. The two existing houses on the southern edge of the grouping currently have main windows and gardens that enjoy an outlook south over the proposed housing site. The loss of this outlook is not in itself a reason to resist the development. I would expect the final design and layout of the proposed houses to address the maintenance of adequate levels of privacy and daylight/sunlight to the existing dwellings.

25. The other matters relating to solar panel provision/alignment, noise, waste water treatment, the impacts on the ecology associated with Glen Tilt and the need to engage in the Environmental Impact Assessment process would be addressed at the planning application stage. With the delivery of the access improvements as set out in the modification as suggested at paragraph 21 above I am satisfied that this allocation offers a sustainable location for further housing growth within the settlement of Blair Atholl.

26. A number of alternative sites have been suggested to replace the H1 allocation. I am

aware that with the exception of some of the land referred to at The Terrace these sites were not considered at the MIR stage and have not been subject to any public engagement. This alone makes their allocation difficult to justify in terms of the guidance set out in paragraph 118 of Circular 6/2013 Development Planning.

27. The nearest of these alternative sites is a triangular area located at the southern end of the same field as H1 nearer to Bridge of Tilt or Blair Atholl. Whilst some of the travel distances are obviously improved at this location, the site itself would remain isolated from both the existing village and Old Bridge of Tilt. Any development here would not offer, as H1 does, the opportunity to improve the connectivity of Old Bridge of Tilt with the rest of Blair Atholl.

28. A further expansion of the proposed allocation at H2 southward parallel to the B7089 and eastward into the adjacent grazing land would be capable of following the pattern of development established by H2. There would however be new impacts on the avenue of trees and the landscape setting of the eastern side of Bridge of Tilt that have not been fully explored by the Strategic Environmental Assessment (SEA). This proposal is not accompanied by any assessment of its effectiveness and there is no certainty that such an allocation would deliver housing units in the first or second plan periods.

29. The alternative site at The Terrace is described in the representation from J and E MacGregor as the 'upper land'. In the absence of a plan of the land referred to, the National Park Authority have assumed that this refers to PKC003. This proposed site lies at a lower level than the rest of the fields lying southeast of The Terrace. If the representation refers to the upper land this was not part of the MIR or the site assessment.

30. There is no evidence before me to suggest these fields, upper or lower, would be significantly constrained by a flood risk issue associated with the River Garry or River Tilt. I do however share the National Park Authority's concerns regarding expansion into this area and the effect it would have on the landscape setting of the village. It is assumed that vehicular access into this area is possible however I found the only route currently available passes through a steeply sloping narrow corridor between two existing dwellings. It may not be suitable for the scale of development envisaged. The B8079 sits at a higher level than the fields and an access from that direction would require significant regrading of the land with additional impacts on the landscape setting of the village.

31. The land opposite the Atholl Arms is a paddock lying within the grounds of Blair Castle enclosed by established woodland and set behind the substantial stone walls that mark the boundary between the castle grounds and the historic planned village. While well located to take advantage of the facilities in the village any development here would have impacts on the "outstanding" Designed Garden and Landscape associated with the castle. These potential impacts have not been investigated.

32. The Old Station Yard within Blair Atholl may be suitable for residential development but there is insufficient evidence that the yard is redundant and therefore available for redevelopment. Developments within settlement boundaries are supported in principle by Policy 1.1 subject to the protection of economic development assets provided by Policy 2.5. Should the site become available its suitability for residential development would be best tested through the submission of a planning application.

33. The proposed modifications suggested by Perth and Kinross Council and Scottish

Water relate to procedural matters applying to any development proposals and do not need to be identified as specific considerations at H1.

#### Blair Atholl - H2: Main Road

34. H2 lies immediately north east of Bridge of Tilt and runs parallel to the B8079 between the access road to the church and the bend in the public road as it approaches the bridge.

The existing housing at Bridge of Tilt is confined to the south west side of this road and presents a strong continuous building line set back behind garden walls and small front gardens.

35. The development at H2 would change the character of this part of the village by introducing built development on the opposite side of the road. While there is an existing avenue of trees on this side of the road these stop short of H2 though a small number of mature trees remain within (and overhanging) the western corner of the site. This area is not within the Designed Garden and Landscape for Blair Castle but does encroach on a small area of the planned policies associated with Lude House lying to the north east. This area is identified in the Historic Designed Landscapes Project commissioned by the National Park.

36. The site considerations for H2 expect development to reflect the pattern of development on the southern side of the road. On the basis that this design approach is adopted and appropriate measures are introduced to protect any remaining mature trees I do not consider there would be any significant impacts on the landscape setting of the settlement or Lude House. I do not propose to delete this allocation and, as before, I do not consider the procedural matters referred to by Perth and Kinross Council need to be identified in the site considerations.

#### Blair Atholl - ED1: Blair Atholl Sawmill Yard

37. Atholl Estates do not provide a new site boundary for their anticipated expansion of ED1 but seek to add additional wording to the site considerations that indicates its future expansion potential. Such broad support for new economic development proposals is already offered by Policy 2 Supporting Economic Growth. In these circumstances individual planning applications offer an appropriate means to progress future investment projects at this location. The scale and nature of the proposals would determine the relevant development plan policies that apply and there would be no need to set these out within ED1 or elsewhere within the settlement information for Blair Atholl.

#### Blair Atholl T1: Blair Castle Caravan Park

38. The existing T1 allocation in the 2015 Local Development Plan encloses the existing camping and caravanning site. The settlement boundary then extends out further to the north and west. It is proposed to align the T1 boundary with the 2015 settlement boundary thus incorporating the extension to the holiday accommodation facilities granted permission in 2008 (07/02438/FUL). The proposed and original T1 allocation include established woodland identified on the Ancient Woodland Inventory and the Native Woodland Survey for Scotland maps. Furthermore the whole area forms part of the Designed Garden and Landscape associated with Blair Castle.

39. Although this allocation is intended to primarily protect the existing camping and

caravanning site it would also offer some support for future tourism development at this location. The SEA describes this allocation as “mostly amenity grassland, occasional mature trees”. This seems to underplay the extent to which the T1 allocation now extends into the woodland however the SEA expects any mature trees to be retained.

40. On reviewing the planning permission from 2008 it is evident that the development here is subject to a Woodland Management plan. Nevertheless I agree with Woodland Trust Scotland that should further proposals come forward the protection of this important natural heritage asset could be a limiting factor. On that basis I consider the woodland issues here should be identified and I propose to recommend a modifying the description of T1 so that it refers to the protection of the ancient or native woodland.

#### Blair Atholl - T2: Caravan Park

41. SEPA’s suggested amendment seeks to remove the second sentence of the first site considerations. Although the National Park Authority have incorrectly described the modification as deleting the first sentence they have considered the correct purpose of the modification. This is to remove the text that implies the flood risk assessment should address matters which are more relevant to the Drainage Impact Assessment (Itself the subject of the second site consideration). On this basis I propose to recommend modifying the plan in accordance with the modification described in SEPA’s letter of 28<sup>th</sup> March 2019 (085).

#### Additional Housing Land Tomintoul

42. My conclusions on Issue 3 indicate a slight change to the Housing Supply Target (HST) for Moray resulting in a Housing Land Requirement of 31 units in the first plan period. The Moray part of the National Park contains only one settlement of any size that would be capable of accommodating housing growth, Tomintoul. The Proposed Plan makes provision for two small sites in Tomintoul (8 units each at Conglass Lane H1 and Lecht Drive H2) but only the 8 at H1 are expected to be delivered in the first plan period. There is therefore a shortfall of housing land for 23 units.

43. This shortfall could justify the allocation of additional sites in the Moray area, and therefore at Tomintoul. The additional land suggested by Highlands and Islands Enterprise at the north eastern end of the village has not however been considered through the MIR process. As set out in paragraph 26 above I do not consider it is appropriate to allocate a site that has not been subject to any public engagement and where there is no evidence that the land is effective. As there is otherwise a generous supply of housing land in the National Park overall and no provision has been made for windfall sites in the effective supply I am content to leave the housing allocations at Tomintoul as proposed.

#### Tomintoul - T1: Land to the South West

44. In the 2015 Local Development Plan the T1 allocation encloses the site of an existing visitor centre, its car park and a woodland adventure playground. It is now to be extended to include the land occupied by a new holiday accommodation development granted permission in 2015 and currently under construction. (2014/0311/DET). The allocation boundary encloses the land required to carry out the development and deliver the associated mitigation measures. It recognises the importance of these recreation and tourism activities and offers them some protection from alternative development

proposals.

45. The planning permission for the holiday accommodation, and the conditions attached to it, have been informed by the likely impacts on the road network, the footpath network, residential amenity, water and drainage infrastructure and, importantly, the natural heritage features of the site including the wildlife and the established trees. Although the representations are concerned regarding these impacts it is not within the scope of this examination to alter the terms of the planning permission. However, the new allocation does not, as feared by the representations, remove the need to fully assess the impacts on the natural heritage of the area arising from any future proposals.

46. With the exception of the proposal by Crown Estate Scotland to adjust the T1 boundary here there are no other proposals before me for development on land to the west of the Old Military Road. Crown Estate Scotland do not give any particular reasons to extend the boundary of T1 around the existing playing field next to the adventure playground. The playing field is part of the sport facilities available to this community and is not within the site boundary of 2014/0311/DET. As such I find the continued protection of the area as open space to be appropriate.

47. It is not necessary within the site considerations for T1 to set out the contact details for Scottish Water. The suggested amendment from SEPA relating to the need for flood risk information is however a sensible adjustment reflecting that not all future development would trigger the need for a full flood risk assessment. I propose to recommend modifying the plan accordingly.

#### **Reporter's recommendations:**

1. Modify the settlement statement for Blair Atholl as follows:-

a) insert after H2 on Page 131 an additional housing site (H3) with a map that depicts the site boundary of planning permission 2017/0264/DET and the following description:

“H3: Land North of Old Orchard, Allocated for housing. Indicative Residential Capacity: 8 units. The site is allocated for 8 dwellings and has planning permission” and;

b) add H3 to the allocations depicted on the settlement map on Page 128 with the same boundary as a) above.

2. Modify the description of H1 in Blair Atholl (Old Bridge of Tilt) on Page 130 by adding the additional text to the second sentence as follows:

“The development should seek to complement the existing character of Old Bridge of Tilt and ensure there is safe vehicular and pedestrian access between the site and the rest of Blair Atholl.

3. Modify T1 at Blair Atholl (Blair Castle Caravan Park) on Page 132 by amending the third sentence of the description as follows:

“Any development proposals should also have particular regard to the sensitive location of this site within the grounds of Blair Castle including the protection of the areas of ancient or native woodland.”

4. Modify the site considerations of T2 at Blair Atholl (Caravan Park) on Page 133 by deleting the second sentence in the first item as follows:

“Any proposals for further development or any increase in caravan numbers will require a Flood risk assessment to identify the functional floodplain and developable area.

5. Modify the site considerations of T1 at Tomintoul (Land to the South West) on page 174 by amending the first item as follows:

“Owing to the presence of a small watercourse adjacent to the site, a Flood Risk Assessment or other supporting information will be required to support proposals for any further development.”

<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> Elspeth Cook
<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	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)	
<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></p> <p>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></p> <p>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></p> <p>SEPA (085) requested an amendment to the paragraph wording in respect of flood risk as</p>		

a full Flood Risk Assessment may not be required depending on the proposed use / layout.

#### Dalwinnie - ED1: Garage site

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.

#### Dalwinnie 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).

**Reporter's conclusions:**Bruar and Pitagowan

1. As a rural settlement without a settlement boundary the Spatial Strategy expects any development at this location to be limited in scale. It is appropriate for the settlement statement to identify this expectation as "small scale organic growth" and no modification is required.
2. There is clear support for the House of Bruar in the settlement objectives recognising it is a significant and important business sitting at the heart of this community. Any future development proposals would therefore be assessed in this context alongside the other policies of the Proposed Plan. Policies 1, 2, 3 and 5 already address the matters listed in the proposed modification and I do not consider it is necessary to introduce these as criteria applying specifically at Bruar and Pitagowan.

Calvine

3. I recognise that Calvine is one of a number of settlements that may benefit from the planned dualling of the A9 Trunk Road and it is appropriate that the settlement objectives should make some reference to this. The precise nature of the improvement works has not yet been confirmed and it would be inappropriate to specifically reference these works

in the settlement statement.

4. The modification suggested by the National Park Authority recognises the potential benefits of the improvements without specifying the nature of the works. It is a sensible compromise at this time and I propose to recommend modifying the plan in that way.

#### Dalwhinnie - H1: Land by Garage & ED1: Garage site

5. The site considerations for both these sites make reference to the submission of a flood risk assessment. SEPA's proposed modification recognises that other types of supporting information relating to flood risk may be sufficient depending on the exact nature and design of the development. This is a sensible adjustment and I propose to recommend modifying the plan accordingly.

#### Dalwhinnie - other sites

6. The former transport café and depot site consists of a number of buildings located within an enclosed yard lying to the east of the A889 and west of the River Truim. It is within the settlement boundary however 90% of the site is vulnerable to a 1:200 flooding event. (Site Assessment Report CD018). The settlement objectives for Dalwhinnie seek to support business development and specifically opportunities that utilise the benefits of the A9 dualling. The depot site has good access connections to the A9 via the A889 and could be well placed to meet these expectations. It is understandable that R Ormiston would wish an 'ED' allocation to apply here.

7. On considering the range of ED sites throughout the Proposed Plan it is clear that this allocation type is used to protect established economic development sites, to encourage appropriate investment in existing sites and to allocate new sites. I consider an ED allocation would convey support, in principle, for further development. This could be misleading if so much of the depot site is affected by flood risk restrictions.

8. Nevertheless while the site continues to offer a useful economic development purpose it would be protected by Policy 2.5. Should business investment proposals come forward for this site they may be considered favourably under Policy 2.4 but subject to the scrutiny of any flood risk implications implicit in Policy 10.2. I do not consider it is necessary to modify the Proposed Plan, as suggested, as the lack of an ED allocation would not prevent the existing site from continuing to offer economic development benefits to Dalwhinnie albeit subject to the restrictions imposed by the potential flood risk.

9. In the 2015 Local Development Plan Dalwhinnie is identified as an intermediate settlement with a settlement boundary enclosing the various groups of buildings, the distillery and the intervening grazing land. Dalwhinnie is now identified as a rural settlement where housing is needed to support the limited facilities available and to sustain a stable population. The existing six house site at H1 offers sufficient land to address the more limited growth of a rural settlement anticipated by the Spatial Strategy. I am satisfied that on the basis of this change of settlement status there is no need for additional housing sites.

10. The proposed settlement boundary is to be drawn much closer to the buildings. A large area of grazing land between the railway line and the A889 currently identified as open space is to be excluded from the settlement. The National Park Authority provided a corrected settlement plan confirming this in April 2020. Although there is evidence of footpaths crossing this area, the grazing land does not function as active open space and

I see little benefit in retaining it as part of the settlement.

11. THC015 is within the northern part of the grazing land proposed to be excluded from the settlement boundary. It abuts the new settlement boundary line where it follows Station Road and other property boundaries. The National Park Authority identify that 60% of the site is vulnerable to a 1:200 flooding event (Site Assessment Report CD018) as is much of the settlement and the wider area of grazing land.

12. In addition to the potential flooding constraint I have some concerns regarding the ability of THC015 to reflect the existing form of the village. Established housing in the settlement varies in architectural style but in general the houses have a direct access and frontage onto the road network. THC015 is set behind the avenue of trees and wide verge at Station Road and the houses would not have a direct frontage to the road.

13. For the above reasons I do not propose to modify the plan to incorporate THC015 as a housing site but in making this decision it is important that I recommend a modification to the settlement map to ensure the correct settlement boundary is delineated.

#### Dinnet - H1: Land to East

14. This site for 15 dwellings is a continuing, and unchanged, allocation from the 2015 Local Development Plan. Appendix 1, Housing Allocations and Housing Land Supply, indicates that five dwellings were expected to be built before 2020 but I established at my site visit (March 2020) that no works had commenced. In response to a request for further information relating to land supply matters in the Aberdeenshire area, the National Park Authority confirmed that these 5 units should move to the effective supply for 2020-2024 period.

15. Dinnet is encircled by established woodland with the built development largely located on the north side of the A93. According to the Site Assessment Report (CD018) H1 is part of a semi-natural birch woodland which may have some ecological value but is not classed as ancient woodland. Impacts on the woodland are inevitable though the site considerations on page 190, expect any development to integrate as far as possible with the surrounding woodland landscape.

16. Any expansion of the village would necessitate tree felling to some extent. Indeed the alternative land suggested in the representations would affect mature trees within the settlement boundary. While there is a strong presumption against the fragmentation of important forest habitat networks set out in the Government's Control of Woodland Removal policy the development site here has previously been accepted.

17. Extending the village eastwards along the north side of the road would not significantly alter the form of the settlement: especially if the woodland character of the site is to be retained. The housing in the village varies from small cottages fronting the public road to larger properties set back within spacious plots. Thus a range of layout and design solutions may be compatible with the existing village.

18. The role of the village as a gateway to the National Park is identified in the settlement objectives and acknowledges that Dinnet is the first village encountered as you enter the National Park from the east on the A93. There are no interpretation facilities targeted at visitors to the National Park and due to its woodland setting the village does not offer views of the wider landscape of the Park.

19. In this context it is unlikely that a well-designed development incorporating the required landscaping and structure planting would detract from Dinnet's current 'gateway' role. I find there would be sufficient woodland remaining on the eastern approach to the village to ensure that the setting of the village would remain substantially unchanged.

20. I do not see any benefit arising from allocating the alternative site suggested by the Community Council as it lies within the settlement boundary where policies are generally supportive, in principle, of new housing development. Furthermore the proposed alternative while nominated by the Community Council has not been subject to any community engagement.

21. For these reasons and because the Proposed Plan sets out the importance of integrating the development with the landscape and the provision of structure planting, I do not propose to omit H1. For the same reasons as set out in paragraph 5, I propose to recommend modifying the site considerations relating to flood risk as suggested by SEPA.

#### Dinnet - ED1: Former Steading

22. Table 4 of the Community Information section addresses the mitigation associated only with the Natura sites (International designations). It would not therefore be appropriate to include the potential mitigation measures relating to national sites, such as SSSIs, within this part of the Proposed Plan as suggested by Scottish Natural Heritage.

23. Scottish Planning Policy however states that development plans should 'identify' international, national and locally designated areas and afford them an appropriate level of protection. International designations are shown in Figure 8 but there is no equivalent map of the SSSIs in the National Park. Protection of these national designations relies on Policy 4.2.

24. Any constraints which are not delineated on the proposals maps or within any specific figure are referred to in Paragraph 5.22 of the Proposed Plan. I found the text to be unclear on the matter of national or local designations. I sought additional wording on this from the National Park Authority with the aim of clarifying the nature of the constraints that are not mapped. Although the alternative wording is helpful, I find it would be beneficial, in recognition of the requirements of Scottish Planning Policy, to set out the particular designations by name. I propose to recommend modifying the plan broadly in accordance with the suggested amendment but with the addition of those named designations and other key policies.

25. On the basis of that change I do not consider it is necessary to highlight at ED1 that the site is in close proximity to the Muir of Dinnet SSSI. For the same reasons as set out in paragraph 5 above I propose to recommend modifying the site considerations relating to flood risk as suggested by SEPA.

26. The National Park Authority have also suggested substituting the term Scottish Natural Heritage with NatureScot. I am not however inclined to include this. There may be other instances where the term Scottish Natural Heritage is used in the Proposed Plan. It would be best if the change to the name of the organisation, when it occurs, is dealt with uniformly throughout the whole document as a minor modification when the next version of this plan is published.

Glenmore - T1: Camping site

27. Although this allocation is intended to primarily protect the existing camping and caravanning site it would also offer some support for future tourism development at this location. The site lies within or adjacent to native woodland identified in the Ancient Woodland Inventory. The National Park Authority rely on the terms of Policy 4.3 and Paragraph 5.22 of the Proposed Plan to address this potential constraint. The protection of this important natural heritage asset could be a limiting factor on future proposals and I consider it merits inclusion in the list of site considerations. I propose to recommend modifying the plan so that the second consideration includes a reference to protecting the native or ancient woodland.

28. I do not consider it is necessary to add the additional text relating to Scottish Water interests at or in the vicinity of the site. These are detailed operational matters and do not need to be referenced as requirements relating to the tourism allocation.

Glenmore T2: Glenmore Lodge

29. Similarly T2 also protects and supports future investment at an established tourism facility: an outdoor activity centre. Sport Scotland's proposed modification is intended to emphasise the importance of the facility and I find the additional text would be helpful in explaining the range of activities at this location. It is also reasonable to accommodate the SEPA modification which addresses the possibility that not all development proposals would trigger the investigation of flood risk. I propose to recommend such a modification.

30. For similar reasons to those described in paragraph 24 I find it is also necessary to highlight the importance of protecting the native or ancient woodland at this location. I propose to recommend adding an additional site consideration.

Glenshee

31. The settlement objectives for Glenshee support small scale housing and economic growth in this dispersed community including developments enhancing the visitor experience. Such developments may trigger a number of potential impacts on a range of matters. It is not necessary to specifically highlight transport infrastructure as suggested by Tactran as this would be addressed by other policies in the plan.

Inverdrue and Coylumbridge - T1: Camping site

32. This is an existing camping and caravanning site stretching south from Coylumbridge into established woodland. A fence line runs east to west along the southern edge of the active camp site. Beyond that there is evidence of a circular path and a derelict cottage. Access is available directly from the active camp site and from the track running along its western boundary. At my site inspection in March 2020 there was no evidence of current or recent camping or caravanning use in this area.

33. The T1 allocation encloses both the active camp site and this area of land to the south. As it does in the 2015 Local Development Plan. The T1 boundary also follows the settlement boundary of Coylumbridge and (according to the map set out in the 2015 plan) aligns with the boundary of the SSSI, SPA and SAC adjoining the site. Rothiemurchus Estate indicate that the existing caravan site has both a caravan site licence and planning permission. Any development southwards into the land outwith the existing fence line

would need to address the various requirements set out in T1 (subject to waste water matters discussed below). This would include the potential impacts on the adjoining national and European designations.

34. As the site is already identified as part of a tourism site in the existing 2015 Local Development Plan and the boundary aligns with other designations there is no justification to adjust the settlement boundary or the T1 boundary northwards to the edge of the active camp site. As the future scale and nature of any development within this area is unknown there is currently no basis for determining the need for, or extent of, a buffer zone as suggested by Badenoch and Strathspey Conservation Group.

35. For the same reasons as set out in paragraph 26 above I consider it is relevant to make reference to the potential constraint offered by the native or ancient woodland at or adjacent to this site as suggested by Woodland Trust Scotland. I propose to recommend modifying the plan so that the second site consideration includes a reference to protecting this woodland.

36. The existing camp site is currently served by a private waste water treatment facility and I agree with Rothiemurchus Estate that it may be unreasonable to expect any further development within the boundary of T1 to connect to the public system. The modification suggested by the National Park Authority allows for this requirement to be dependent on the nature of the development proposed. I therefore propose to recommend modifying the plan accordingly. As my examination of the plan does not extend to the wording of the Action Plan I am unable to adjust any similar reference to waste water systems in that document.

### Laggan

37. H1 is a large site of 5.3 hectares north of a row of 11 cottages at Strathmashie on the A86. Only 8 dwellings are proposed due to the physical constraints identified in the Site Assessment Report. It was evident from my site inspection that the ground contours, the potential retention of the existing forestry and the areas of wet land may reduce the developable area significantly. It is not unsurprising that the National Park Authority do not expect any units at this site to contribute to the housing land supply during the first or second plan period (as set out in Appendix 1).

38. The site is not without its challenges but I do not consider this is sufficient reason to remove the allocation. The site is clearly remote from the community facilities at Laggan and there is no regular public transport serving this area but it offers an unusual opportunity to develop low density housing in the countryside.

39. S Slimon suggests that affordable rural housing is required in this area. This site may well be a suitable location for woodland crofting or another form of innovative affordable rural housing. The Proposed Plan does not offer any other comparable site and retaining this allocation would allow such concepts to be explored over the lifetime of the plan.

40. Laggan itself is identified as a rural settlement but has no settlement boundary and is a loose grouping of houses approximately 3 km north east of H1. Although additional or replacement allocations for H1 are sought nearer to this grouping, the National Park Authority advise that no sites have been presented for consideration. I agree that Policy 1.2, Housing development in existing rural groups, provides a policy framework to consider such developments in the future.

41. Financial contributions towards education and community infrastructure are required in this area. It is not possible to exchange these for other projects or improvements that are not directly related to the impact of the development proposed (as set out in more detail in Circular 3/2012: Planning Obligations and Good Neighbour Agreements). I do not therefore propose to substitute alternative infrastructure items in the Developer Obligations part of the settlement statement.

42. Policy 2 offers protection for existing tourism facilities and support, in principle, for new tourism and economic development proposals. It would be a matter for individual proposals to establish if land at H1 or elsewhere within the wider Laggan area offers a potential location for business or tourism related activities. There is currently no basis to identify additional land for this purpose.

43. For the above reasons I do not propose to recommend any modifications to this allocation.

#### **Reporter's recommendations:**

1. Modify the settlement objectives for Calvine at Page 182 by inserting a new settlement objective as follows:

“Support opportunities that utilise the benefits of the A9 dualling for Calvine”

2. Modify the site considerations for H1 at Dalwhinnie (Land by Garage) on Page 186 by amending the first item as follows:

“Medium to high probability flood risk area adjacent to the site. A Flood Risk Assessment or other supporting information will be required to determine the developable area.”

3. Modify the site considerations for ED1 at Dalwhinnie (Garage Site) on Page 186 by amending the first item as follows:

“Medium to high probability flood risk area adjacent to the site. A Flood Risk Assessment or other supporting information will be required to determine the developable area.”

4. Modify the settlement boundary for Dalwhinnie by replacing the overview plan of site allocations on Page 185 with the corrected plan provided by Cairngorms National Park Authority on 16th April 2020.

5. Modify the site considerations for H1 at Dinnet (Land to East) on Page 190 by amending the first item as follows:

“Medium to high probability flood risk area adjacent to the site. A Flood Risk Assessment or other supporting information will be required to determine the developable area.”

6. Modify the wording of Paragraph 5.22 of the proposed plan at Page 88 to address a wider range of site constraints as follows:

“5.22 Constraints to development not shown on the proposals maps include, but are not limited to a range of local and national designations identified in Policies 4, 5 and 9 that address landscape, protected species, biodiversity, woodland and cultural heritage interests (eg Sites of Scientific Interest, National Nature Reserves, National Scenic Areas, Ancient Woodland Inventory sites, Scheduled Monuments, Listed Buildings, Gardens & Designed Landscapes and Battlefields). Accurate data and information regarding these and other natural and cultural heritage sites and assets, including flood risk areas, can be obtained, as appropriate, from the National Park Authority, the relevant local authority, Scottish Natural Heritage, the Scottish Environment Protection Agency and Historic Environment Scotland.”

7. Modify the site considerations of ED1 at Dinnet (Former Steading) on Page 190 by amending the first item as follows:

“Medium to high probability flood risk area adjacent to the site. A Flood Risk Assessment or other supporting information will be required to determine the developable area.”

8. Modify the site considerations of T1 at Glemore (Camping site) on Page 196 by amending the second item as follows:

“Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and to protect the ancient or native woodland.”

9. Modify the description and the site considerations of T2 at Glenmore (Glenmore Lodge) on Page 197 by:

a) replacing the description as follows:

“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.”

b) amending the first site consideration to read:

“Medium to high probability flood risk area adjacent to the site. A Flood Risk Assessment or other supporting information will be required to determine the developable area.”

c) adding a third site consideration:

“Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and to protect the ancient or native woodland.”

10. Modify the site considerations of T1 at Inverdrue and Coylumbridge (Camping site) on Page 207 by amending the second and fourth items as follows:

“Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and to protect the ancient or native woodland.” Where appropriate .....”;

“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.”

<b>Issue 12</b>	<b>Other Issues</b>	
<b>Development plan reference:</b>	Other Issues	<b>Reporter:</b> Timothy Brian
<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></p> <p>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></p> <p>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></p> <p>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></p> <p>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></p> <p>For clarity, Scottish Government (089) request that Table 2 of the Draft Action Programme</p>		

2020 be amended to include the following wording in the 'Notes' section for the A9 dualling entry:

**'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

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.'
- 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).

(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:**

#### Appendix 1: Housing allocations and housing land supply

1. In relation to the Scottish Government's comment that there are some minor inaccuracies in the housing figures in Table 1 and Table 2 and Appendix 1, I note that the National Park Authority is able to make minor modifications to the Proposed Plan within the terms of sub-section 19(10)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 (as amended). There is therefore no need for me to recommend a modification at this stage in the process.

2. In any case, as a consequence of the discussion on the housing supply target, the housing land requirement and housing land supply under Issue 3, we are proposing to create corrected and updated versions of Tables 1 and 2 and Appendix 1.

#### Climate Change Act

3. Section 72 of the Climate Change Act (introduced as section 3F of the Town and Country Planning (Scotland) Act 1997) stipulates that local development plans should 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 through the installation and operation of low and zero-carbon generating technologies.

4. It is a very particular measure which relates to new buildings, and is distinct from the wide range of initiatives to tackle climate change for example through active travel, woodland expansion and the better management of moorland. The requirement overlaps those in the building regulations which seek to achieve a similar objective.

5. Different local development plans have interpreted the requirement in different ways. Some planning authorities, such as Aberdeenshire Council, have developed very detailed policies which may refer to the gold and platinum sustainability labels within the building standards handbook, and specific percentage targets increasing over time. Others, such as Highland Council, have devised more general policies for their local development plans, supported by more detailed supplementary guidance.

6. The National Park Authority has adopted the latter approach, by requiring all development proposals to be designed to “minimise the effects of the development on climate change in terms of siting and construction and, once complete achieve at least the minimum standard in compliance with the Building Standards Technical Handbook.” (Policy 3.3 a))

7. Paragraph 24 of the Scottish Government’s Eighth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 states that: “All the current local development plan policies which are considered to implement Section 3F are presented in the Annex.”

8. One of the policy examples in the Annex which is considered to implement Section 3F is Policy 3: Sustainable Design of the Cairngorms Local Development Plan 2015, which contains exactly the same wording as Policy 3.3 a) of the Proposed Plan above.

9. The Annex also quotes, for information, the associated policy within the Authority’s non-statutory guidance:

“6. All new developments must meet the minimum energy standards set out by the Building (Scotland) Regulations in the Building Standards Technical Handbook. It is mandatory for all buildings to achieve a bronze level of the sustainability labelling scheme, however opportunities to achieve bronze active and above through good design and the use of low and zero carbon generating technologies (LZCGT) are actively encouraged.”

10. The same policy (Policy 3: Sustainable Design) and non-statutory guidance appear in the Annex to the 2019 Annual Report, within the list of local development plan policies considered to implement Section 3F.

11. I conclude that there remains some flexibility in the manner in which local development plans are able to interpret the requirements of Section 3F, and that the approach employed in Policy 3.3 of the Proposed Plan is acceptable. Consequently, I do not propose to recommend that the Proposed Plan be modified in response to the representation.

#### Active travel exemplar

12. In response to the representation by the Scottish Government, the National Park Authority confirms that Aviemore and Kingussie are seen as exemplars of walking and cycling friendly settlements. I propose to recommend that the settlement objectives for both towns are modified accordingly, as envisaged in national policy set out in National Planning Framework 3 (NPF3).

#### Support for the National Long-Distance Cycling and Walking Network

13. NPF3 identifies 14 national developments that are needed to help to deliver the Scottish Government’s spatial strategy, one of which is the national long-distance cycling and walking network, including the proposed 8km extension of the Speyside Way from Aviemore to Newtonmore.

14. The National Park Authority supports the project, which is referred to in the

Partnership Plan and in the National Park's outdoor access strategy. However, it is not mentioned in the Proposed Plan. Given its status as part of a national development promoted in NPF3, the Government's long-term spatial strategy for Scotland, I am convinced that the project should be referred to in the Proposed Plan, and endorse the Authority's suggested modification to Paragraph 4.101.

#### Draft Action Programme – Table 2

15. Strictly, this examination is concerned with the Proposed Local Development Plan, rather than the terms of the Proposed Plan Action Programme. In any case, I note that the second section of the A9 dualling project between Luncarty and Pass of Birnam lies outwith the Cairngorms National Park, and is therefore not a matter for consideration in the Action Plan.

#### Community Information: Environmental Considerations

16. Table 4: 'Mitigation requirements for developments that may affect Natura sites', on Page 86 of the Proposed Plan, details the mitigation measures which will be required to ensure that there is no adverse effect on the integrity of the relevant SACs and SPAs in the National Park.

17. SEPA and SNH are concerned to ensure that the supporting text at Paragraph 5.17 makes clear that development should not affect any water environment, whether or not it is designated, and that the requirements of Policy 10: Resources (including the need to submit a construction method statement) should apply to all development. They have drafted an amendment to the paragraph to clarify the point, which the National Park Authority endorses, and which I propose to recommend as a modification to the Plan.

18. Similarly, the National Park Authority has no objection to SNH's proposal to change the title in the third row, second column of Table 4 on Page 87 from 'Disturbance to capercaillie in SPAs' to 'Disturbance to SPA capercaillie', to acknowledge that capercaillie outwith SPAs are also important. I intend to recommend a modification to the Proposed Plan accordingly.

19. The National Park Authority accepts that the minor amendments which SNH and SEPA propose to the second paragraph in the third row, third column on Page 86 would help clarify the requirements. The revised text would avoid duplicating Policy 10: Resources, and I propose to recommend the suggested modification to the Proposed Plan.

20. I also propose to recommend the very minor wording change in the third row, second column of Table 4 on Page 86, suggested for clarification by SNH and agreed by the National Park Authority.

21. Finally, I accept SNH's suggested amendment to the second row, third column of Table 4 on Page 87 (supported by the National Park Authority), which requires that any identified effects must be minimised through modifications so that there will not be an adverse effect on the integrity of the European site, rather than 'eliminated'. I propose to recommend that the Proposed Plan be modified in line with SEPA's revised wording.

22. RSPB Scotland proposes amendments to Paragraph 5.17 and Table 4, because they consider that the mitigation measures listed in Table 4 should not be exclusive to the developments at An Camas Mòr and North Aviemore, and other mitigation measures may

be necessary to avoid adverse effect on the integrity of a European site.

23. However, the National Park Authority points out that the requirements of Table 4 are drawn from the findings of the Habitats Regulations Appraisal of the Proposed Plan, and I note that SNH is content with the Paragraph 5.17 and Table 4, subject to the minor changes discussed above. Any development likely to have a significant effect on a Natura 2000 site would require an appropriate assessment, and would be assessed against Policy 4: Natural Heritage, which requires that development must demonstrate no adverse effect on the integrity of the site. Paragraph 4.66 explains the purpose and scope of any mitigation which may be required.

24. I therefore agree with the National Park Authority that it would not be necessary or appropriate to modify paragraph 5.17 or Table 4 as RSPB Scotland suggests. I am satisfied that the impact of other developments on SPAs and SACs, and any consequential mitigation requirements, would be properly considered under Policy 4.

#### **Reporter's recommendations:**

1. Modify the settlement statements for Aviemore (Page 92) and Kingussie Page 117 by adding the following settlement objectives:

- "Support Aviemore's status as an exemplar walking and cycling friendly settlement."
- "Support Kingussie's status as an exemplar walking and cycling friendly settlement."

2. Modify Paragraph 4.101 relating to Policy 8: Open Space, Sport and Recreation on Page 63 so that it reads as follows:

"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."

3. Modify the wording of Paragraph 5.17 relating to Community Information: Environmental Considerations on Page 85 to read:

"The site allocations in this section of the Plan identify where development may have an effect on a 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 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.)"

4. Modify Table 4: Mitigation requirements for developments that may affect Natura sites on Page 86 so that the second paragraph in the third row, second column reads:

"Discharges and/or increases....through changes in temperature, water levels and/or flow rates."

5. Modify Table 4: Mitigation requirements for developments that may affect Natura sites on Page 86 so that the second paragraph in the third row, third column reads:

“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.”

6. Modify Table 4: Mitigation requirements for developments that may affect Natura sites on Page 87 so that the second paragraph in the second row, third column reads:

“Any identified effects must be minimised through modifications such that there will not be an adverse effect on the integrity of the European site and detailed in a Species Protection Plan (SPP).”

7. Modify Table 4: Mitigation requirements for developments that may affect Natura sites on Page 87 so that the title/wording of the third row, second column reads:

“Disturbance to SPA capercaillie”.