

SECTION I

ANALYSIS OF REPORTERS' RECOMMENDATIONS AND POST INQUIRY MODIFICATIONS TO CAIRNGORMS NATIONAL PARK LOCAL PLAN TEXT

Issue	General Issues including introduction, layout, vision, context, & links to other plans & policies		
Reporters	Jill Moody & Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400a/b
	Scottish Campaign for National Parks		434a/b/s
	Scottish & Southern Energy plc		447j
	RS Garrow Ltd		464a
Procedure	Written submissions		
Objectors	Mrs Sally Spencer	Objection refs	017g
	Dr A Watson		020b
	DW & IM Duncan		037b
	Muir Homes		038b
	James Hall		371a
	Roy Turnbull		390a
	Alvie & Dalraddy Estate		439a/b/u
	North East Mountain Trust		443a
	Victor Jordan		537a

Extract from the Reporters Report

Conclusions

2.13 When we review our findings, we note that these objections raise general matters some of which are fundamental to the content of the emerging local plan. We find that many, but certainly not all, of the concerns arise from misunderstandings which can be traced to shortcomings in the explanatory texts of Chapter 1 and Chapter 2. Those concerns which relate to particular policies and proposals are dealt with elsewhere in this report. In the meantime, we are driven to conclude that the contents of Chapter 1 and Chapter 2 fail against the requirement of Scottish Planning Policy that: Development plans must be accessible to the communities they serve and they should be concise and written in plain English. However, the deficiencies are not fatal to the plan and we have set out a number of remedial suggestions which may be of assistance.

2.14 We have considered all of the other matters drawn to our attention but find none of such weight that it alters our conclusions.

Recommendation

2.15 Subject to careful consideration of the suggestions set out above, we recommend that Chapters 1 and 2 broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) can be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

2.5 ... we find that Topic Paper 1 in the revised form provided for us on 3 June 2009 states clearly the statutory planning context within which the emerging local

plan has been prepared. It includes a succinct and readily accessible description of the relationship between the aims of the National Park, the CNPP 2007 and the CNPLP. It also assists in clarifying the role of the Planning Acts and in particular the relationship between approved structure plans, the CNPP 2007, and the CNPLP. Accordingly, subject to a further review of its content on matters of law, on which we are not qualified to report, we suggest that the revised text from Topic Paper 1 should form the basis for Chapter 1 of the adopted local plan which might be entitled Statutory Context.

2.7 We consider that an explanation of the CNPLP's vision should be a priority for Chapter 2. Moving on, we are not satisfied that Figure 1 The Local Plan in Context (page 9), as presented in the finalised plan, is fit for purpose. If it is to be included, it must relate directly to the associated text as an aid to explaining clearly, accurately, and unambiguously how the local plan was prepared within the statutory context and subject to the objectives of CNPP 2007, Scottish Planning Policy and advice, and all other relevant plans and strategies. Related to that, we are in no doubt that CNPA is committed to the principle of sustainable development and to making progress towards achievement that goal through the creation and maintenance of sustainable communities. However, we suggest that those commitments should be made explicit to readers early in the text of the plan together with specific definitions and statements about what these terms mean.

2.8 ... we required that CNPA provide for us a list of the supplementary guidance which it intends to prepare along with the timescale for issue. We agree with the objector who advocated that the list produced in response to our request should be attached to the local plan as an Appendix prefaced with associated text to make clear that the forthcoming guidance is supplementary to the CNPLP and does not form part of it.

2.10 ... we find that some additional explanation, perhaps with the aid of a flow diagram, would help plan users understand more easily how a planning application will be dealt with. It is essential that any diagram which is introduced indicates the role to be played by the 4 constituent planning authorities in the initial submission of an application, the scrutiny which will be undertaken by CNPA, and the ability of CNPA to "call in" those applications which it regards as being of particular significance. Applicants must also be made fully aware that the test of significance will be an assessment of the proposal against the strategic objectives of the CNPP 2007 because these objectives have been approved by the Scottish Ministers as a means of taking forward the 4 aims of the Park.

2.11 We suggest that some text, particularly that relating to the Selected National Park Outcomes for 2012, should be considered for deletion because that material is transferred in large part directly from the CNPP 2007. There will be undoubted benefit in pointing out to prospective applicants that they should consider their proposals against the text of the CNPP 2007 as well as the CNPLP and the links with the CNPP 2007 should be made explicit. However, repetition of text is confusing and unnecessary and we give weight to the requirement of Scottish Planning Policy that the CNPLP be concise.

2.12 ... we suggest that Chapter 2 of the adopted local plan might be entitled: *The Vision of the Local Plan, its Preparation and its Uses*. The content should address the matters set out in the last 4 of the 6 bullet points set out above, with attention paid to any minor changes to wording which CNPA may consider justified. This could be based on text from the headings and paragraphs in the Deposit Local Plan (Modifications 1st and 2nd) October 2008, re-ordered and augmented as follows:

- *The Vision and Guiding Principles of the Local Plan* - paragraphs 2.14, 2.15, 2.16 and 2.17, plus additional text to make clear the commitments to sustainable development and sustainable communities and defining these terms in the glossary;
- *Purpose of the Local Plan* - paragraphs 1.5, 1.6, and 1.7;
- *Relationship of the Local Plan to other Plans and Strategies* - Figure 1 *The Local Plan in Context* (as revised);
- *The Structure of the Local Plan* - paragraphs 1.13, 1.14, 1.15 and 1.11, and 1.12;
- *Implementation of the Local Plan* - paragraphs 1.16, 1.17, 1.18, 1.19, and 1.20;
- *Monitoring of the Local Plan* - paragraph 1.23; and
- *How to Use the Local Plan* - box and paragraphs 1.21, 1.22 (with accompanying flow chart) to which should be added text referring to supplementary guidance and an Appendix 4 to the plan setting out what is currently proposed.

1. CNPA analysis and comment

1.1 In our consideration of the recommendations and various suggestions made by the Reporters on the introduction and context sections of the Plan, CNPA accept that the wording as drafted is not entirely clear to the reader, and in that regard, and in line with SPP, CNPA accepts the need for some change. The Reporters have distilled down the basic components to be addressed in these sections of the Plan, and CNPA agree with this analysis. The Introduction and Context sections should provide a clear link to the relevant legislation, the CNPP 2007, the aims of the National Park and, in line with SPP, provide a vision with a clear explanation of how it has been derived and how it will be taken forward including how it will be implemented and monitored, and also how the plan is to be used. CNPA accept that these elements are in line with the latest government guidance on development planning, provided through circular 1/2009 and SPP.

1.2. With this in mind CNPA agree that an explanation of the statutory context would be helpful to the reader at the beginning of the Plan. Topic Paper 1, as suggested by the Reporters, was prepared by CNPA prior to the Local Plan Inquiry to clarify the position for those involved in the inquiry process. CNPA welcomes the suggestion that this could have greater application, and form part of the actual plan. CNPA will therefore take this as the basis for a revised section within the Plan setting out the statutory context, and entitle it as such.

1.3. Moving on to the vision, this is a requirement of all local plans, and CNPA therefore acknowledge that it should be seen as a priority of the introductory sections of the Plan. In explaining the context of the Local Plan, the Reporters criticise Figure 1. In reviewing its content, and the help it provides the reader, CNPA accept that the figure could provide better information on how the local plan was prepared within the statutory context and subject to the objectives of the CNPP 2007, Scottish Planning

Policy and advice, and all other relevant plans and strategies. This is clearly in line with Scottish Government guidance on plan preparation, and the figure will be amended accordingly.

1.4. In regard to sustainable development, CNPA welcomes the recognition from the Reporters that the Authority is committed to sustainable development. CNPA accept that during the Inquiry, there was some confusion over the definition of what that entails. For clarity, and to ensure the reader fully understands this commitment, CNPA accept that there is a need to set out within this introductory section to the Local Plan what is meant by sustainable communities and sustainable development.

1.5. In regard to supplementary guidance, CNPA accept that there is a need to refer to the supplementary guidance which will support the Local Plan, and will therefore include as an appendix to the plan the list of guidance which will be produced, along with a timetable for production. The amendment to cover this is included under the Reporters report section 'Introduction to Section 2 of the Report'.

1.6. CNPA accept that there is a statutory process in respect of the way in which applications for development are dealt with, and agree that some form of flow diagram would be useful. The 'call in' procedure operated within the National Park is particular to us, and can be confusing for applicants and those who become involved in the planning process. With this in mind a flow diagram will be included to clearly explain the 'call in' procedure so that applicants are clear on how their application will be dealt with.

1.7. The comments regarding the inclusion of extracts from the CNPP 2007 are noted. CNPA is committed to the production of the Local Plan that is concise and easily understood, and welcomes suggestions where the wording can be refined. Reference to the CNPP 2007 and the need for proposals to comply with it as well as the Local Plan will be made explicit to ensure the reader is clear on what documents need to be considered when drawing up development proposals.

1.8. In drawing all the comments regarding these introductory sections of the Plan together the Reporters set out their suggestion of how best to amend the text. Having accepted the points raised CNPA therefore also accept these suggestions as helpful, and agree that they will clarify better to the reader the context of the plan and how it will be used. The appropriate changes will therefore be made in line with the suggestions.

2. CNPA Decision

2.1 CNPA accept the need to revise the layout and context of the Introduction and Context sections of the Local Plan to ensure it is accessible to the communities it serves and that it is concise and written in plain English.

3. Changes to plan needed to address decision

3.1 Amend Chapter 1 and 2 to take account of the recommendations.

3.2 Include the relevant definitions in the Glossary.

1. Introduction

The Cairngorms National Park

1.1 The Cairngorms National Park was designated in 2003 by the Scottish Parliament because it satisfied the conditions for a National Park set out in the National Parks (Scotland) Act 2000:

National Parks (Scotland) Act 2000 section 2.2

- a. That the area is of outstanding national importance because of its natural heritage, or the combination of its natural and cultural heritage;
- b. That the area has a distinctive character and a coherent identity;
- c. That designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.

1.2 The Act also sets out four aims for National Parks in Scotland:

National Parks (Scotland) Act 2000 section 1

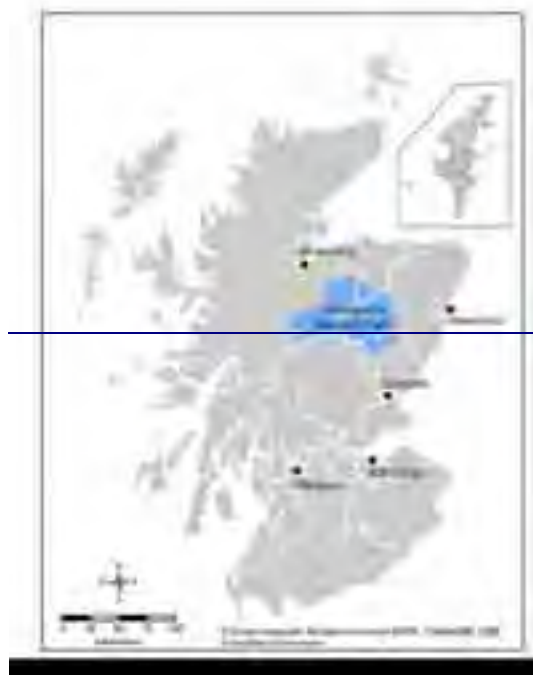
- a. To conserve and enhance the natural and cultural heritage of the area;
- b. To promote sustainable use of natural resources of the area;
- c. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public;
- d. To promote sustainable economic and social development of the area's communities.

1.3 The four aims must be achieved collectively and in a co-ordinated way, and it is the statutory function of the Cairngorms National Park Authority to ensure this collective and co-ordinated approach. Policy 1 expands on the role of the 4 aims in the planning function. In carrying out all its functions, including its role as Planning Authority the National Park Authority must ensure that the four aims of the National Park are at the heart of things. In the delivery of the aims the National Park Authority is required to prepare a National Park Plan setting out how this will be achieved.

1.4 The Cairngorms National Park Plan was approved by Scottish Ministers on 15 March 2007. It provides

the context for development planning and management in the Cairngorms National Park, with general guidance and specific direction for the Local Plan.

Map 1 The location of the Cairngorms National Park



Purpose

1.5 The Local Plan provides one of the National Park Authority's tools to ensure the delivery of objectives of the National Park Plan and the collective and co-ordinated delivery of the aims of the Park. It is intended to promote sustainable development in the Park through sustainable economic and social development of its communities, the sustainable use of its natural resources and the conservation, and where possible, the enhancement of its outstanding natural and cultural heritage.

1.6 The Local Plan provides a development framework for the whole of the Park, bringing together areas where development proposals were previously considered under four separate local authority plans. It creates a clear and consistent approach to guide development proposals and opportunities within the National Park, while allowing an appropriate level of flexibility to ensure that the Plan can be reactive and accommodate good ideas which further the aims of the Park. Its duration for up to five years from adoption identifies strategic sites and land for some development

to provide certainty about the use of land in the medium to longer term beyond the next five years.

1.7 Once adopted, the Local Plan will be used by the planning authorities within the Cairngorms National Park to assess planning applications for development. The planning authorities are the four Local Authorities as well as the National Park Authority when it acts as a planning authority in calling in and determining planning applications.

Development of the Deposit Local Plan

1.8 The Deposit Local Plan has been prepared following periods of public consultation, community engagement and detailed discussions with key stakeholders, local development forums and the four Local Authorities. The National Park Authority publicised its intention to prepare the Local Plan in September 2004. Between September and December 2004, the National Park Authority held a period of 'blanksheet' public consultation and engagement with communities of the Park to find out what they wanted from a Local Plan.

1.9 In September 2004, an area profile and questionnaire was sent to all households in the Park. Between October and December 2004, 44 meetings were held across the communities in the Park to allow people to provide their views about how they would like to see their communities and the Park develop. Around 14 per cent of the questionnaires were returned to the National Park Authority and about ten per cent of the population of the Park attended the meetings. The information from the people who responded to the consultation helped to inform the development of a Consultative Draft Local Plan that was published in 2005 and consulted on between November 2005 and February 2006.

1.10 The comments received on the Consultative Draft Plan helped to refine the policies, proposals and strategy of this Deposit Local Plan. The Deposit Local Plan has also been prepared with comprehensive new and updated information, and in the light of emerging national guidance and the approval

and adoption of the Cairngorms National Park Plan.

1.11 The Local Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. EC Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (preceded by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004) require that development plans are assessed to identify potentially significant environmental effects. The SEA of the Local Plan continues throughout its lifetime

1.12 The SEA assesses the likely significant environmental effects of the Plan. It identifies opportunities to strengthen the positive environmental effects of the Plan and ensures environmental considerations are integrated throughout. An Environmental Report of the SEA accompanied the Consultative Draft Local Plan. A revised Environmental Report accompanies the Deposit Local Plan. It takes account of the changes to the Plan and comments on the previous Environmental Report. A copy of its non-technical summary is provided with the Deposit Local Plan and the full report is available separately as a hard copy or in electronic format.

Structure of the Deposit Local Plan

1.13 The Plan provides a set of policies to manage development and a set of specific proposals for development requirements and opportunities. The Plan outlines the context for these policies and proposals as well as a vision for the Local Plan in Chapter 2. Chapter 3 links the Plan to the aims of the Cairngorms National Park. This chapter also contains the first policy of the Plan to provide an overview of the decision-making framework in the Park and highlights the difference that the Park makes to the operation of the planning system. It sets out the role of the aims of the Park in planning decisions.

1.14 The first policy is supplemented and strengthened by a range of policies dealing with particular interests or types of development. These provide more detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan and are outlined

through Chapters 4 to 6 to provide a detailed policy framework for planning decisions:

- Chapter 4 – Conserving and Enhancing the Park;
- Chapter 5 – Living and Working in the Park;
- Chapter 6 – Enjoying and Understanding the Park.

1.15 The site-specific proposals of the Local Plan are provided on a settlement-by-settlement basis in Chapter 7. These proposals, when combined with the policies in the Deposit Local Plan, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.

Implementing the Local Plan

1.16 The Local Plan will be implemented by a wide range of organisations, individuals and groups. The planning authorities will implement it through the determination of planning applications. The local authorities have additional responsibilities as the providers of services and in administering the mechanisms to support the successful delivery of many policies. Partners of the Cairngorms National Park and statutory consultees will be key in the delivery of the Local Plan both through advice during the planning process and through their strategic work involved in areas of work such as cultural and natural heritage, tourism, infrastructure and economic development. Developers will implement the Plan by obtaining planning permission and completing developments that comply with the Plan and contribute to the strategic objectives of the National Park Plan. Other organisations including statutory undertakers contribute to the implementation by providing the necessary infrastructure to allow development.

1.17 The Local Plan will provide the basis for planning decisions but is supplemented by other policies, strategies, and guidance. The Park Plan is a material consideration in planning decisions and has component strategies such as the Cairngorms Outdoor Access Strategy and Cairngorms Sustainable Tourism Strategy that can also be relevant to individual planning applications.

1.18 Some proposals contained in the Local Plan require additional detail to ensure development

minimises any negative environmental effects and makes a positive contribution to the aims of the Park and objectives of the Park Plan. The Cairngorms National Park Authority will work with local authorities, landowners, developers, communities and other interested parties to create development briefs, masterplans and framework plans as appropriate for such sites.

1.19 Similarly, some policies within the Local Plan will not provide sufficient detail for the long-term implementation of the Plan and will be supplemented by additional planning guidance. The National Park Authority is committed to preparing a Sustainable Design Guide and sustainability checklist for new development proposals that will supplement the Local Plan's Sustainable Development and Design Standards policies. Further supplementary guidance will be prepared to provide additional guidance on other key topics such as the development of micro-generation energy production.

1.20 The planning authorities will use conditions and legal agreements, produced at the expense of the applicant, to ensure that consented developments comply with the Plan's policies. In carrying out its planning function the National Park Authority will act in line with its Codes of Conduct, and ensure that all developments are carried out in line with its obligations created through various legislation such as the Nature Conservation (Scotland) Act 2004 which places a duty to further the conservation of biodiversity in carrying out its function.

How to Use the Local Plan

Everyone applying for planning permission must look at all of the policies in the Plan. Policies are not cross referenced. You must therefore make sure your proposal complies with all of the policies that are relevant.

The settlement maps identify sites proposed for particular types of development. In considering options for these sites, proposals must comply with all relevant policies, as well as working to achieve the four aims of the Park.

1.21 Developers should incorporate measures in their proposals to comply with the policies and any relevant

~~supplementary guidance that has been published or referred to by the National Park Authority. The role of pre-application discussion, including with key consultees, can also be key in ensuring good quality proposals are submitted and can also assist in easing the journey of proposals through the planning process. All developers should discuss their proposal with the planning authority before submitting a planning application and consider the requirements of National guidance regarding community consultation provided in Planning Advice Note 81. This will help to ensure that developers obtain advice on:~~

- ~~• the most current information relating to planning policy;~~
- ~~• other factors material to the determination of their proposal such as measures needed to avoid harmful environmental effects; and~~
- ~~• what, if any, additional information they will be required to obtain and submit to the planning authority to allow their proposal to be determined.~~

~~1.22 Applications should be accompanied by any necessary supporting information. This could include traffic impact assessments, flood risk assessments, business plans, environmental impact assessments, habitat surveys, or locational justification for the development.~~

~~1.23 The plan will be constantly monitored and the effectiveness of its policies and achievements checked. New legislation, National Planning Guidance, new plans and strategies and other forecasts and evidence may influence future development management decisions. Relevant information will be published and if appropriate, policies will be reviewed.~~

2. Context

National Context

2.1 The Cairngorms National Park is a special part of Scotland, and while it is important to the local economy, environment and communities, it also has an essential role in delivering national objectives, set by the Scottish Government and its agencies. The National Park Plan, adopted under the National Parks (Scotland) Act 2000, lists the national policy context in which the Park is set. The Local Plan sets out the land use aspirations of the Park Plan within the legal framework provided by the Town and Country Planning (Scotland) Act 1997. It also reflects emerging changes created as a result of the Planning etc. (Scotland) Act 2006. The Local Plan has clear links to National Planning Policy provided through the National Planning Framework, Scottish Planning Policies (SPPs), Planning Advice Notes (PANs) and Circulars. The Local Plan must have due regard to this national legislation and guidance and endeavour to reflect any changes which emerge in national thinking during its preparation and delivery. It also reflects emerging changes created as a result of the Planning etc. (Scotland) Act 2006.

2.2 In addition to Planning Guidance the Local Plan must also have taken into account documents such as the UK Biodiversity Action Plan and other

Map 2 Cairngorms National Park in regional context

nationally and internationally adopted obligations to ensure due regard is taken of relevant legislation and guidance.

2.3 As the newest National Park in Scotland the National Park Authority also works closely with other National Park Authorities, both within Scotland, the rest of Britain and further afield to build on lessons from others and best practice in taking a National Park into the future.

Regional Context

2.4 The Cairngorms National Park sits at a meeting point of many cultural and administrative boundaries. The Park includes areas within four local authorities – The Highland Council, Aberdeenshire Council, Moray Council and Angus Council. Being centred on a mountain massif, communities within the Park naturally look out to, and have strong links with, the surrounding areas. The transport and social links naturally tend to follow the major river systems, and development within the Park can have impacts downstream as far as the sea.

2.5 The Park therefore looks out to the four cities of Inverness, Aberdeen, Dundee and Perth, as well as other regional centres such as Elgin. The major transport routes into the Park link to these cities and these links play an important part in the economic and social life of people in the area. Given this central position, the Cairngorms National Park has the potential to be a significant asset to the wider region.



The Structure Plans

2.6 Local plans normally take their strategic direction from structure plans. The Local Plan for the Cairngorms National Park should comply with the relevant structure plans but also takes its strategic context and direction from the Cairngorms National Park Plan.

2.7 The structure plans pre-date the National Park Plan but the local authorities would be expected to use it to inform any revisions of structure plans overlapping the Cairngorms National Park. Under the terms of the Planning etc (Scotland) Act 2006 Structure Plans will be replaced by Strategic Development Plans for the four city regions. Local Development Plans will need to provide both a vision and detailed policy outwith these. During the life of this plan however, policies must have due regard to the Structure Plans where appropriate:
The Highland Structure Plan 2001
North East Scotland Together 2001
The Moray Structure Plan 2007
Dundee and Angus Structure Plan 2002

2.8 The Cairngorms National Park Local Plan may take a different approach to that of the structure plans where the National Park Plan provides alternative guidance or direction that is material to the Local Plan.

The Cairngorms National Park Plan

2.9 The Cairngorms National Park Authority has prepared the National Park Plan, which is a key in providing a framework for partnership delivery of the Park Plan objectives and achieving the overall vision for the Park. Approved by Scottish Ministers on 15 March 2007, the Park Plan provides the overarching context for planning policy within the Cairngorms National Park. As a material consideration in the decision making process it must be taken into account when considering all planning applications. The Park Plan's long term vision for the Park also drives the Local Plan and its shorter term implementation.

2.10 The Park Plan is also the Cairngorms National Park's long term aspirational management plan. It provides:

- A vision for the next 25 years and set of 25-year outcomes;

- A set of guiding principles to underpin the National Park Plan and guide its implementation;
- Strategic Objectives that provide a long term framework for planning and management of the National Park; and
- Priorities for action for the period 2007-2012 and intended five-year outcomes.

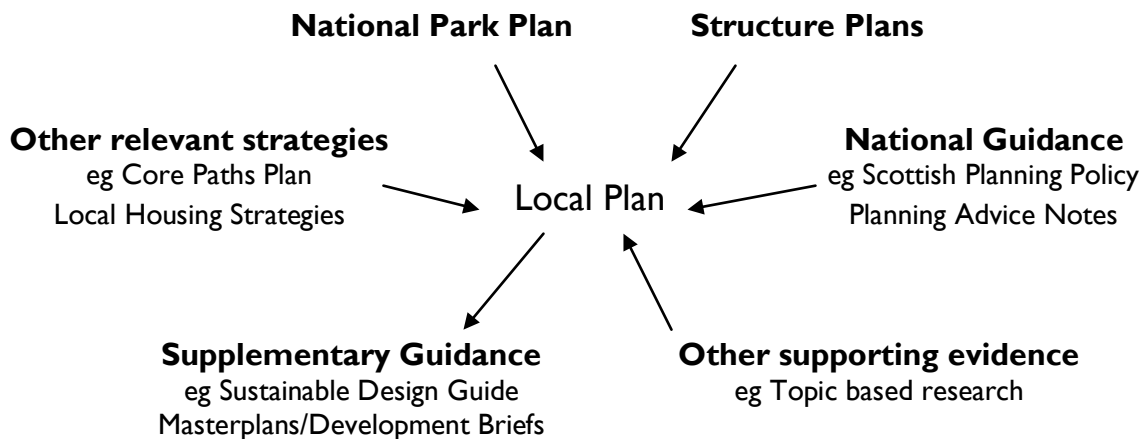
Other Plans and Strategies

2.11 While the Park Plan provides an overview of the Park and its future management, it relies on the development and implementation of existing and new plans and strategies to deliver its objectives in particular areas. These include the Local Plan and other component strategies such as the Cairngorms Outdoor Access Strategy, the Cairngorms Core Paths Plan and the Cairngorms Sustainable Tourism Strategy. In addition the National Park Authority will continue to encourage and support research and information collection and analysis in line with its objectives towards achieving the collective aims of the Park.

2.12 Once adopted the Cairngorms Local Plan will supersede the local plans of the four Local Authorities, and in the determination of development proposals both the Cairngorms National Park Authority and the four Local Authorities acting as Planning Authority, will use this plan.

2.13 In addition to its material link to the Park Plan and other plans and strategies prepared for the Park, the Local Plan has links to other plans and strategies, many of which are prepared for each Local Authority. They include Regional Transport Strategies, Waste Management Plans, Open Space Strategies and Housing Strategies and those specific to the four Local Authorities such as The Highland Community Plan, Highland Matters, and others.

Figure 1 The Local Plan in Context



The Local Plan's Vision

2.14 The Local Plan takes its vision from the Park Plan.

The Cairngorms National Park Plan's Vision for the Park:

Imagine a world-class National Park — an outstanding environment in which the natural and cultural resources are cared for by the people who live there and visit; a renowned international destination with fantastic opportunities for all to enjoy its special places; an exemplar of sustainable development showing how people and place can thrive together. A National Park that makes a significant contribution to our local, regional and national identity.

This is our vision for the Cairngorms National Park in 2030.

2.15 To achieve this vision the Local Plan has a number of guiding principles which also guide the National Park Plan. In establishing these principles the Local Plan will deliver a framework for the future of the National Park.

- **Sustainable Development — A National Park for today and for the future.** All development will create a sustainable Park for people today and in the future, with a network of sustainable communities which have room to thrive but respect their heritage.
- **Social Justice — A National Park for all.** Development opportunities will be created which meet the needs of all, locally for people living and working in the Park, regionally to meet its role as a threshold to the Highlands and Royal Deeside, and nationally and internationally as a destination for visitors.

- **People Participating in the Park — A National Park for people.** Opportunities will be established for the National Park to engage everyone, both local people and visitors, to create a place which engenders a sense of citizenship and ownership.
- **Managing Change — A National Park open to ideas.** Development will take advantage of the most current opportunities, technologies and best practice, and the policy framework will encourage and allow for such developments to thrive.
- **Adding Value — A National Park that makes a difference.** The development process will build on a National Park to deliver a positive future and allow for initiatives and ideas to move forward in a timely way.

2.16 This vision is supported by the Park Plan's strategic objectives but it is the Outcomes for 2012 and Priorities for Action that provide the clearest indication of how this Local Plan must work towards the vision. The Local Plan is obviously only one of the delivery tools of the Park Plan, and is not itself enough to achieve the vision.

2.17 For a comprehensive list of the Park Plan's Outcomes for 2012 or Priorities for Action, the Park Plan itself is available from the offices of the Cairngorms National Park Authority or can be downloaded from: www.cairngorms.co.uk Those Outcomes for 2012 and Priorities for Action that have a direct bearing on the Local Plan are shown in the Tables on pages 10, 11 and 12.

Selected National Park Plan's Outcomes for 2012 that guide the Local Plan:

Conserving and Enhancing Biodiversity and Landscapes Outcomes for 2012

-
- i. A Landscape Plan for the Cairngorms National Park will identify the natural, cultural and built landscape qualities, the factors influencing them and underpin actions for positive management.
 - ii. The key areas for the experience of wild land qualities will be identified, protected and enhanced as a major source of enjoyment of the Park and wild land qualities throughout the rest of the Park will be safeguarded.
 - iii. The location, scale, layout and design of all new development will make a positive contribution to the natural, cultural and built landscapes of the Park and the adverse impacts of some existing developments will be reduced.
 - iv. Species and habitats identified as the highest priorities in the Cairngorms Local Biodiversity Action Plan, the UK and Scottish Biodiversity Strategies and Action Plans and the Scottish Species Framework will be protected and under active conservation management.
 - v. There will be enhanced connectivity within habitat networks through practical implementation of a planned, landscape-scale approach, with early emphasis on lowland agricultural habitat networks and forest networks.
 - vi. All the designated nature conservation sites in the Park will be in favourable condition, or under positive management to bring them into favourable condition. This will be enhanced further by the appropriate management of the surrounding land to increase the ecological integrity and viability of these sites.
 - vii. The habitat and water quality of rivers and wetlands will be enhanced through commencement of positive management initiatives guided by catchment management planning.
 - viii. The diversity of rocks, minerals, landforms and soils of international, national and regional value will be safeguarded and more widely appreciated, together with the natural processes underpinning them.
 - ix. An active programme will be underway to safeguard and manage priority historic landscapes and archaeology sites and to promote them to the public.
-

Integrating public support for land management Outcomes for 2012

-
- i. A diverse, viable and productive land management sector will continue to provide high quality primary produce such as food and timber, whilst delivering public benefits which are compatible with the Park's special qualities and will make a growing contribution to employment and the local economy.
-

Providing High Quality Opportunities for Outdoor Access Outcomes for 2012

-
- i. A wider range of people will have the opportunity to enjoy the outdoors.
 - iii. There will be a more extensive, high quality, well maintained and clearly promoted path network so that everyone can enjoy the outdoors and move around the Park in a way that minimises reliance on motor vehicles.
 - v. There will be more effective connections between public transport and places with outdoor access opportunities.
-

Making Tourism and Business more Sustainable
Outcomes for 2012

- i. An increasing proportion of the economic activity will be based on the special qualities of the Park.
 - ii. The visitor experience in the National Park will consistently exceed expectations and will drive repeat visits/more business opportunities. The Park will compare well against the rest of Scotland and other National Parks.
 - vi. Communities will feel that quality of life is improving and that they are able to influence the direction of economic growth within the Park. .
-

Making Housing More Affordable and Sustainable
Outcomes for 2012

- i. There will be a reduction in the gap between housing need and supply in the Park to meet community needs.
 - ii. There will be a reduction in the number of businesses identifying housing as a barrier to staff recruitment and retention.
 - iii. There will be more good quality private rented sector accommodation available at affordable rents to meet local need.
 - iv. New housing will be of a more sustainable design.
-

Raising awareness and understanding of the Park
Outcomes for 2012

- iv. More people who have visited the Park will have high quality experiences and will tell positive stories about the area.
 - vii. There will be more comprehensive and detailed information about the special qualities available in order to provide a better basis for conserving and enhancing them in the future.
-

I. Statutory Context

The Statutory National Park Context

1.1 The Cairngorms National Park was designated in 2003 by the Scottish Parliament because it satisfied the conditions for a National Park set out in Section 2 of the National Park (Scotland) Act 2000 (The Act):

- a) That the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage;
- b) That the area has a distinctive character and a coherent identity, and
- c) That designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.

1.2 The Local Plan has been prepared with reference to the statutory role of the CNPA under the Act, and The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, (the Order).

1.3 Section 1 of the Act lists the National Park aims:

- a) To conserve and enhance the natural and cultural heritage of the area
- b) To promote sustainable use of the natural resources of the area
- c) To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public
- d) To promote sustainable economic and social development of the area's communities.

1.4 Section 9 of the Act states that the general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way. In exercising its functions the authority **must** act with a view to accomplishing this purpose. If in relation to any matter it appears to the authority there is conflict between the first aim and the others, the authority must give greater weight to the first aim.

1.5 Section 7 (1) (a) of the Order makes the CNPA the sole authority within the National Park in respect of functions in relation to local plans. In discharging this role the CNPA has to act in accordance with its statutory purpose as required by Section 9 of the Act. In other words the Local Plan **must** help ensure that the National Park aims are collectively achieved in a co-ordinated way.

Map 1 The location of the Cairngorms National Park



The Cairngorms National Park Plan and the Cairngorms National Park Local Plan

1.6 The Act requires a National Park Authority to prepare a "National Park Plan" setting out its policy for managing the National Park. It requires all public bodies and office holders to have regard to the adopted National Park Plan in exercising functions affecting a National Park. Schedule 5 to the Act inserted Section 264A into the Town and Country Planning (Scotland) Act 1997 requiring special attention to be paid to the desirability of exercising any power under the planning Acts consistently with the adopted National Park Plan. This creates a link between the two pieces of legislation.

1.7 The Cairngorms National Park Plan was approved by Scottish Ministers in March 2007 and adopted by the CNPA in April 2007. It is not a CNPA plan; it is a plan for the National Park. It was prepared by an inclusive process involving a wide range of partners who continue to be involved in delivery of the Plan. The National Park Plan provides the strategic context for all of the functions of the CNPA including the provision of an overarching context for planning policy within the area.

1.8 The Town and Country Planning (Scotland) Act 1997, requires special attention to be paid to the desirability of exercising any power under the planning Acts consistently with the adopted National Park Plan. The National Parks (Scotland) Act 2000 has a duty of regard that applies, inter alia, to any public body or office holder taking decisions in relation to planning matters within the Park. All of this adds to the weight given to the National Park Plan as a material consideration under Section 25 of the Town and Country Planning (Scotland) Act 1997.

1.9 In preparing the National Park Plan as required under Section 11 of the Act, the CNPA did so with a view to securing the collective achievement of the aims in a co-ordinated way. The National Park Plan was organised under 3 overarching themes: Conserving and Enhancing the Park, Living and Working in the Park, and Enjoying and Understanding the Park. These themes taken together embrace the 4 aims of the Park. The Strategic Objectives and Priorities for Action in the National Park Plan are all grouped under them to co-ordinate activity with a view to securing collective achievement of the aims. The National Park Plan based on this approach has been approved by Scottish Ministers.

1.10 The CNPA is a planning authority for the preparation of a Local Plan. The statutory purpose of the CNPA under the Act has been outlined above and its other statutory functions, including those relating to planning, have to take place within the context of that overall purpose. The Local Plan is one of the mechanisms for contributing to delivery of the National Park Plan and hence to the collective achievement of the aims of the Park. In the interests of consistency with the National Park Plan, and to clearly demonstrate the “thread” leading from the aims in Section 1 of the Act, it was decided that the Deposit Local Plan should have policies grouped under the

same 3 overarching themes: Conserving and Enhancing the Park, Living and Working in the Park, and Enjoying and Understanding the Park.

1.11 The Local Plan is therefore clearly founded in the context within which the CNPA has been established and is obliged to operate i.e. the National Parks (Scotland) Act 2000 and The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003. The Local Plan is key to delivery of the National Park Plan and the collective achievement of the Park aims.

Relationship with existing Structure Plans and the New Development Plan System

1.12 The Cairngorms National Park embraces parts of the local authority areas of Highland, Aberdeenshire, Moray and Angus. Until such time as the new development plan system is fully in place, structure plans will continue to be relevant within the National Park. The structure plan coverage is currently as follows:

- The Highland Structure Plan 2001
- Aberdeen City and Shire Structure Plan 2009
- The Moray Structure Plan 2007
- Dundee and Angus Structure Plan 2002

1.13 Circular 3/2008 “Strategic Development Plan Areas” determined that Aberdeen City and Shire is a Strategic Development Plan (SDP) Area and this does not include the National Park. The Aberdeenshire City and Shire Structure Plan 2009 will therefore be replaced by a new strategic development plan that will not include the National Park.

1.14 The Dundee and Angus Structure Plan 2002 will in due course be replaced by a Strategic Development Plan for Dundee, Perth, Angus and North Fife which has been designated as the SDP Area. That Plan will not include the National Park. Moray and Highland are not within a SDP Area so these structure plans will remain for the time

being, until the Local Development Plans are in place for the parts of the authorities excluding the National Park

1.15 The Cairngorms National Park Local Plan still has to conform to those structure plans in place. All of the structure plans predate the National Park and it is therefore for the CNPA to justify differences in policy direction in the National Park Plan and Local Plan and whether these, as material considerations, outweigh the policies in existing structure plans. Within this context, and given that the CNPA and others have very specific obligations under the Act, there is consequently a clear mechanism for justifying any difference in content or emphasis between the Local Plan and existing structure plans.

1.16 The CNPA will be preparing a Local Development Plan for the National Park. The published Development Plan Scheme programmes work to commence in March 2010, with consultation on the Main Issues Report in May 2011, and adoption by the end of 2013. The constituent local authorities will prepare Local Development Plans for those parts of their areas outside the National Park. The context within the National Park will become the Cairngorms National Park Local Development Plan along with the National Park Plan: a clear and well defined structure. The current situation should therefore be seen as work in progress, a transition towards this eventual state of affairs.

Context for Planning Decisions within the Cairngorms National Park

1.17 Whilst the CNPA is the planning authority for the preparation of a Local Plan, it is not a planning authority for all planning applications submitted within the National Park. Under the terms of the 2003 Order, planning applications are submitted to the relevant local authority as planning authority. They are obliged to notify all applications received to the CNPA, and the CNPA has to determine if an application raises issues of significance for the aims of the National Park. If it is decided that an application does raise issues of significance then the CNPA has power under the Order to “call in” the application and determine it. When an application has been “called in” by CNPA then it becomes the planning authority as far as that particular planning application is concerned.

1.18 The relevant local authority remains the planning authority for those applications not “called in”. When deciding not to “call in” an application the CNPA may make comments that it would like to have taken into account. The local authority then determines the application in the normal way, although taking account of CNPA comments and the duty of regard for the National Park Plan.

1.19 The National Park Authority and other planning authorities within the Park will use this Local Plan as the basis for decisions on planning applications along with the national Park Plan and existing Structure Plans.

2.The Vision of the Local Plan, its Preparation and its Uses

The Vision and Guiding Principles of the Local Plan

2.1 The Local Plan takes its vision from the Park Plan.

The Cairngorms National Park Plan's Vision for the Park:

Imagine a world-class National Park – an outstanding environment in which the natural and cultural resources are cared for by the people who live there and visit; a renowned international destination with fantastic opportunities for all to enjoy its special places; an exemplar of sustainable development showing how people and place can thrive together. A National Park that makes a significant contribution to our local, regional and national identity.

This is our vision for the Cairngorms National Park in 2030.

2.2 To achieve this vision the Local Plan has a number of guiding principles which also guide the National Park Plan. In establishing these principles the Local Plan will deliver a framework for the future of the National Park.

- **Sustainable Development – A National Park for today and for the future.** All development will create a sustainable Park for people today and in the future, with a network of sustainable communities which have room to thrive but respect their heritage.
- **Social Justice – A National Park for all.** Development opportunities will be created which meet the needs of all, locally for people living and working in the Park, regionally to meet its role as a threshold to the Highlands and Royal Deeside, and nationally and internationally as a destination for visitors.
- **People Participating in the Park – A National Park for people.** Opportunities will be established for the National Park to engage everyone, both local people and visitors, to create a place which engenders a sense of citizenship and ownership.
- **Managing Change – A National Park open to ideas.** Development will take advantage of the most current opportunities, technologies and best practice, and the policy framework will encourage and allow for such developments to thrive.
- **Adding Value – A National Park that makes a difference.** The development process will build on a National Park to deliver a positive future and allow for initiatives and ideas to move forward in a timely way.

2.3 This vision is supported by the Park Plan's strategic objectives but it is the Outcomes for 2012 and Priorities for Action that provide the clearest indication of how this Local Plan must work towards the vision. The Local Plan is obviously only one of the delivery tools of the Park Plan, and is not itself enough to achieve the vision.

2.4 Underlying this vision and guiding principles, the National Park Authority is committed to sustainable development which supports communities that are sustainable in social, economic and environmental terms.

2.5 For a comprehensive list of the Park Plan's Outcomes for 2012 or Priorities for Action, the Park Plan itself is available from the offices of the Cairngorms National Park Authority or can be downloaded from: www.cairngorms.co.uk

Purpose of the Local Plan

2.6 The Local Plan provides one of the National Park Authority's tools to ensure the delivery of objectives of the National Park Plan and the collective and co-ordinated delivery of the aims of the Park. It is intended to promote sustainable development in the Park through sustainable economic and social development of its communities, the sustainable use of its natural resources and the conservation, and where possible, the enhancement of its outstanding natural and cultural heritage.

2.7 The Local Plan provides a development framework for the whole of the Park, bringing together areas where development proposals were previously considered under four separate local authority plans. It creates a clear and consistent approach to guide development proposals and opportunities within the National Park, while allowing an appropriate level of flexibility to ensure that the Plan can be reactive and accommodate good ideas which further the aims of the Park. Its duration for up to five years from adoption identifies strategic sites and land for some development to provide certainty about the use of land in the medium to longer term beyond the next five years.

2.8 Once adopted, the Local Plan will be used by the planning authorities within the Cairngorms National Park to assess planning applications for development. The planning authorities are the four Local Authorities as well as the National Park Authority when it acts as a planning authority in calling-in and determining planning applications.

Relationship of the Local Plan to other Plans and Strategies

Figure I



The Structure of the Local Plan

2.9 The Plan provides a set of policies to manage development and a set of specific proposals for development requirements and opportunities. The Plan outlines the context for these policies and proposals as well as a vision for the Local Plan

2.10 The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan and are outlined through Chapters 3 to 5 to provide a detailed policy framework for planning decisions:

- Chapter 3 - Conserving and Enhancing the Park;
- Chapter 4 - Living and Working in the Park;
- Chapter 5 - Enjoying and Understanding the Park.

2.11 The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with the policies in the Local Plan, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.

2.12 The Local Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. EC Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (preceded by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004) require that development plans are assessed to identify potentially significant environmental effects. The SEA of the Local Plan continues throughout its lifetime

2.13 The SEA assesses the likely significant environmental effects of the Plan. It identifies opportunities to strengthen the positive environmental effects of the Plan and ensures environmental considerations are integrated throughout. An Environmental Report of the SEA accompanied the Consultative Draft Local Plan. A revised Environmental Report accompanies the Local Plan. It takes account of the changes to the Plan and comments on the previous Environmental Report. A copy of its non-technical summary is provided with the Deposit Local Plan and the full report is available separately as a hard copy or in electronic format.

Implementation of the Local Plan

2.14 The Local Plan will be implemented by a wide range of organisations, individuals and groups. The planning authorities will implement it through the determination of planning applications. The local authorities have additional responsibilities as the providers of services and in administering the mechanisms to support the successful delivery of many policies. Partners of the Cairngorms National Park and statutory consultees will be key in the delivery of the Local Plan both through advice during the planning process and through their strategic work involved in areas of work such as cultural and natural heritage, tourism, infrastructure and economic development. Developers will implement the Plan by obtaining planning permission and completing developments that comply with the Plan and contribute to the strategic objectives of the National Park Plan. Other organisations including statutory undertakers contribute to the implementation by providing the necessary infrastructure to allow development.

2.15 The Local Plan will provide the basis for planning decisions but is supplemented by other policies, strategies, and guidance. The Park Plan is a material consideration in planning decisions and has component strategies such as the Cairngorms Outdoor Access Strategy and Cairngorms Sustainable Tourism Strategy that can also be relevant to individual planning applications.

2.16 Some proposals contained in the Local Plan require additional detail to ensure development minimises any negative environmental effects and makes a positive contribution to the aims of the Park and objectives of the Park Plan. The Cairngorms National Park Authority will work with local authorities, landowners, developers, communities and other interested parties to create development briefs, masterplans and framework plans as appropriate for such sites.

2.17 Similarly, some policies within the Local Plan will not provide sufficient detail for the long-term implementation of the Plan and will be supplemented by additional planning guidance. The National Park Authority is committed to preparing a Sustainable Design Guide and sustainability checklist for new development proposals that will supplement the Local Plan's Sustainable

Development and Design Standards policies. Further supplementary guidance will be prepared to provide additional guidance on other key topics such as the development of micro generation energy production. (Appendix 2)

2.18 The planning authorities will use conditions and legal agreements, produced at the expense of the applicant, to ensure that consented developments comply with the Plan's policies. In carrying out its planning function the National Park Authority will act in line with its Codes of Conduct, and ensure that all developments are carried out in line with its obligations created through various legislation such as the Nature Conservation (Scotland) Act 2004 which places a duty to further the conservation of biodiversity in carrying out its function.

Monitoring of the Local Plan

2.19 The plan will be constantly monitored and the effectiveness of its policies and achievements checked. New legislation, National Planning Guidance, new plans and strategies and other forecasts and evidence may influence future development management decisions. Relevant information will be published and if appropriate, policies will be reviewed.

How to Use the Local Plan

How to Use the Local Plan

Everyone applying for planning permission must look at all of the policies in the Plan. Policies are not cross referenced. You must therefore make sure your proposal complies with all of the policies that are relevant.

The settlement maps identify sites proposed for particular types of development. In considering options for these sites, proposals must comply with all relevant policies, as well as working to achieve the four aims of the Park.

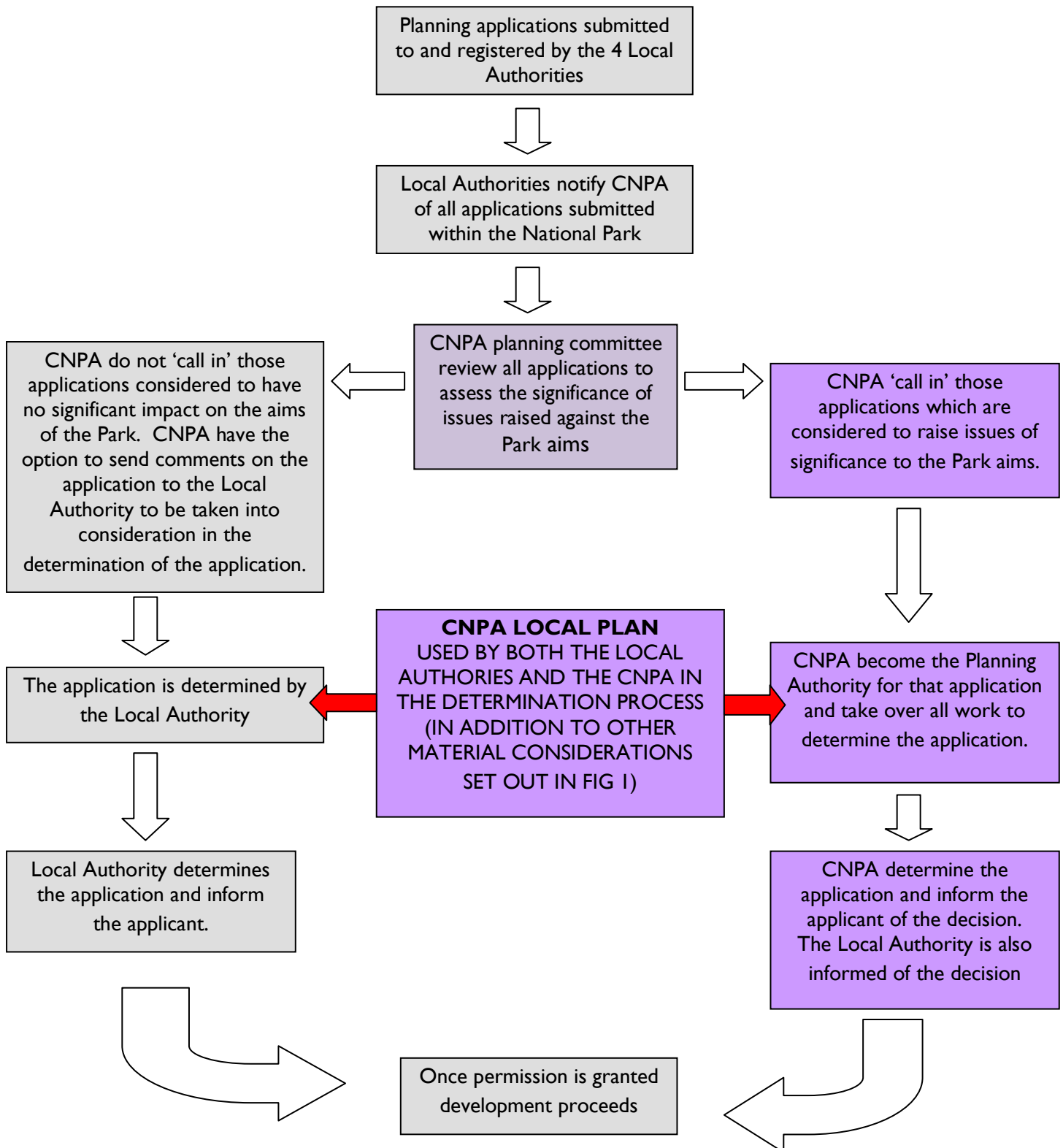
2.20 Developers should incorporate measures in their proposals to comply with the policies and any relevant supplementary guidance that has been published or referred to by the National Park Authority. The role of pre-application discussion, including with key consultees, can also be key in ensuring good quality proposals are submitted and can also assist in easing the journey of proposals through the planning process. All developers should discuss their proposal with the planning authority before submitting a planning application and consider the requirements of National guidance regarding community consultation provided in Planning Advice Note 81. This will help to ensure that developers obtain advice on:

- the most current information relating to planning policy;
- other factors material to the determination of their proposal such as measures needed to avoid harmful environmental effects; and
- what, if any, additional information they will be required to obtain and submit to the planning authority to allow their proposal to be determined.

2.21 Supplementary guidance has been produced to provide additional guidance and information. These are listed in Appendix 2. Developers are recommended to refer to this guidance when preparing their applications.

2.22 Applications should be accompanied by any necessary supporting information. This could include traffic impact assessments, flood risk assessments, business plans, environmental impact assessments, habitat surveys, or locational justification for the development.

Figure 2 How the Local Plan will be used



Issue	General Maps		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400n
	Scottish Campaign for National Parks		434n
Procedure	Written submissions		
Objector	Dr A Watson	Objection ref	020o

Extract from the Reporters Report

Conclusions

3.6 When we review our reasoning above, we conclude that the information contained in the CNPLP maps is as accurate as might reasonably be expected from CNPA. However, CNPA should give further consideration to the various ways in which the information in the whole suite of Maps A to D could be most helpfully be conveyed to allow easy access and interpretation by all potential users of the plan.

3.7 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

3.8 Accordingly, subject to addressing the above reservations, we recommend that Map D as set out in the Deposit Local Plan Modifications (1st and 2nd) should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be address

3.5 We suggest that the whole suite of maps should be kept in the CNPLP, but that there should be related text which guides readers to places where more easily copies can be found in paper and electronic form. Appropriate attention should be paid to the special needs of those with some visual impairment. For example, the text associated with Policy 2 Natura 2000 Sites provides a hyperlink and details of CNPA's web site through which larger scale maps can be accessed (paragraph 4.7). In this way, the maps could provide, in sufficient detail, the information which CNPA wishes to convey as it relates to particular sites, without excluding the interpretation of that information by any users of the plan.

1. CNPA analysis and comment

1.1 In considering the recommendations, CNPA accepts the Reporters opinion that the maps included within the Plan do provide the most accurate and up to date information available. However we also accept the criticism that, from a presentation perspective, the information could be provided in a clearer way, which could allow the reader access to the maps in a more detailed way.

1.2. In order to provide the most understandable information we therefore accept the suggestion in para 3.5 (above) and will include hyperlinks within the document to take the reader to more detailed maps which can then be easily viewed.

2. CNPA Decision

2.1. Accept recommendation and amend text of Plan accordingly

3. Changes to plan needed to address decision

3.1. Amend information given in association with the maps to provide hyperlinks to web pages where the information provided can be viewed in greater detail.

Appendix I – Designation Maps

Map A – International Nature Conservation Designations – www.snh.org.uk/snhi

Map B – Sites of Scientific Interest and National Nature Reserves – www.snh.org.uk/snhi

Map C – Gardens and Designed Landscapes and National Scenic Areas – www.snh.org.uk/snhi

Map D – Semi-Natural and Ancient Woodland Inventories - www.snh.org.uk/snhi

Issue	Policy 1 Development in the Cairngorms National Park		
Reporters	Jill Moody & Hugh M Begg		
Procedure	Hearing		
Objectors	The Proprietors of Mar Centre	Objection refs	394c
	Scottish & Southern Energy		447a
Procedure	Written submissions		
Objectors	Mrs Sally Spencer	Objection refs	017a/b
	Dr A Watson		020c
	Frogmore Estates Scotland Ltd		026a
	Muir Homes Ltd		038c
	James & Evelyn Sunley		056g
	Sportscotland		380e
	Woodland Trust Scotland		393b
	The Clouds Partnership		398a
	Dunachton Estate		418a
	Scottish Rural Property & Business Association		429b
	Mrs Jane Angus		437a
	Alvie & Dalraddy Estate		439c
	North East Mountain Trust		443b
	The Cairngorms Campaign		448b
	Glenmore Properties Ltd		453a
	Reidhaven Estate		456d

Extract from the Reporters Report

Conclusions

4.18 When we review our numerous findings in the foregoing paragraphs we can draw 3 simply stated conclusions. First, that Policy 1 serves no useful purpose and that, consequently, it should be removed from the local plan. Second, that should CNPA elect to reject that conclusion then the version of Policy 1 brought to the inquiry by it as a proposed post inquiry modification is to be preferred to any other brought to our attention. Third, and related to that, the associated text should stand without adjustment.

4.19 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

4.20 Accordingly, we recommend that the text of Chapter 3 including Policy 1 Development in the Cairngorms National Park should be deleted in its entirety from the local plan. If that recommendation is not accepted then the post inquiry modifications proposed by CNPA for Policy 1 should be taken forward into the adopted local plan along with the associated text provided in the Deposit Local Plan Modifications (1st and 2nd) October 2008.

Additional Suggestions/Reservations to be addressed

4.1 We note that Policy 1 forms the centre piece of Chapter 3 which is entitled *The Aims and Special Qualities of the Park*. Before turning to that policy, there are 2 preliminary matters with which we must deal. First, the boxes at the head of Chapter 3 add nothing to the data already provided at page 24 of the CNPP 2007. Second, as far as the special qualities of the Park are concerned this was a matter of considerable but largely fruitless debate at the hearing. ... we find that the material in the boxes and the following text is redundant and should be deleted from the local plan.

4.7 ... we see no need for a policy which "... provides a basis for the assessment of any proposals that have not been anticipated in the other policies of the Plan."

4.10 ... policies devised to contribute to the strategic objectives relating to conservation and enhancement of the Park should be framed in such a way that they provide a presumption against development which would run contrary to the aims: a) to conserve and enhance the natural and cultural heritage of the area, and b) to promote the sustainable use of natural resources of the area unless, of course, material considerations suggest otherwise. On the other hand, policies devised to contribute to the strategic objectives relating to working and living in the Park should be framed in such a way that they provide a presumption in favour of development which would support the aim of promoting sustainable economic and social development of the area's communities. Likewise, policies devised to contribute to the strategic objectives relating to enjoying and understanding the Park should be framed in such a way that they provide a presumption in favour of development which would support the aim of promoting understanding and enjoyment (including employment in the form of recreation) of the special qualities of the area by the public.

4.15 ... we find that neither proposed policy, nor any of the other alternative wordings brought to our attention, meets the requirements of good practice. Nevertheless we are bound to make a judgement on the merits of the alternatives proposed. If CNPA decides to reject our recommendation that Policy 1 be deleted we have examined the text proposed by CNPA at the hearing and compared it with what appeared in the finalised version of the CNPLP. We agree with CNPA that the former is to be preferred.

4.16 In the event that CNPA elects to go ahead with any one of the wordings brought to our attention then it will require to consider each planning application against the criteria set out in its preferred wording of Policy 1. In that case, it will become abundantly clear fairly early in the lifetime of the plan whether the policy does or does not serve any useful purpose or whether, as some objectors fear, it is simply a recipe for confusion.

4.17 When we consider the third issue, we bear in mind our assessment of the utility of Policy 1. Within that context we find that the *Background and Justification* is admirably brief; and we are content that the remainder of the text, which has not been the subject of major criticism, should stand.

1. CNPA analysis and comment

1.1. In considering the recommendations of the Reporters in regard to Chapter 3 of the Plan including Policy 1, CNPA accept and welcome the conclusions of the Reporters in respect of the CNPP 2007. CNPA welcomes the clarity provided on the role of the CNPP 2007, and welcomes the reflection of this in their recommendations. Confirmation is given that the link between the planning system and the with the aims of the National Park as set out in the National Parks (Scotland) Act 2000 is properly made through the CNPP 2007 which has been approved by Ministers. CNPA therefore accept that there is no need for a general policy to be applied to every application for planning permission.

1.2. With the support for the strategic role provided by the CNPP 2007 endorsed by the Reporters throughout their report, we wholeheartedly accept that the CNPP 2007 is material in the decision making process and that it provides the superior strategic guidance.

1.3. In accepting this position, and welcoming the clarity provided by the reasoning CNPA accept therefore that the section including Policy 1 and its associated chapter does not serve a useful purpose within the Local Plan. Also in accepting this position, CNPA concur with the Recommendations that any alternative wording would not be appropriate, as it has been accepted that there is no need for a policy to link with the aims of the Park.

1.4. CNPA does note and accept the comments made regarding the framing of policies which contribute to the aims of the Park, and appropriate modifications have been included throughout the Plan, with the exception of Policy 25, where the Reporters Recommendation is that there should be a presumption against development.

2. CNPA decision

2.1. Accept the first recommendation to remove Policy 1 and the associated text of Chapter 3 of the Plan be removed in total. In line with acceptance of this recommendation, CNPA do not therefore propose to take forward the alternative recommendation to take forward an amended version of the policy.

3. Changes to plan needed to address decision

3.1. Delete Section 3 of the Plan including Policy 1

3. The Aims and Special Qualities of the Park

Park Facts and Figures

- The Park covers 3,800 sq km and about 5 per cent of Scotland's land area;
- Approximately 16,000 people live in the Park;
- Approximately 1.4 million people visit the Park each year;
- 39 per cent of the area of the Park is designated for nature conservation;
- 25 per cent of the area of the Park is designated as being of European importance for nature conservation;
- The Park is home to 25 per cent of the UK's rare and threatened species;
- Approximately 75 per cent of the land in the Park is privately owned.

The Park includes:

- Two National Scenic Areas;
- Extensive mountain areas including four of Scotland's five highest mountains and internationally renowned summer and winter climbing;
- Significant stretches of two of Scotland's major rivers, the Spey and Dee;
- Internationally important geological record and landforms;
- Most extensive area of arctic-alpine habitat in Britain;
- Most extensive area of Caledonian Forest in Britain;
- 424 listed buildings;
- 60 scheduled ancient monuments.

3.1 The Cairngorms area is widely recognised and valued as an outstanding environment which people enjoy in many different ways. The Cairngorms National Park Plan acknowledges that people bring their own perceptions and interests to the Cairngorms, but that there are some special qualities of the area that are commonly recognised and referred to. It draws on the information gathered for the State of the Park Report to highlight some of the natural and cultural qualities that combine to give the Park its distinctive identity:

- Distinctive Landscapes
- Rich Biodiversity
- Mountains
- Moorland
- Forests and Woodlands
- Straths and Farmland
- Rivers and Lochs
- Recreation and Enjoyment
- The Built Environment
- Culture and Traditions

3.2 Many of these special qualities are reflected in the natural or cultural heritage designations within the Cairngorms National Park or through the number and range of features of natural and cultural significance recorded in the Park. The Local Plan takes its lead from the National Park Plan in directing development to the locations that will best deliver the Park's aims or avoid significant conflict with the aims. However, it is

recognised that not all developments will make equal contributions to all Park aims, and some developments may contribute to one or more aims whilst conflicting with others.

3.3 The National Park Plan highlights the interdependence of the people, places and special qualities of the Cairngorms National Park. It takes an objective-led approach across the whole Park and seeks to establish a positive management approach for which all involved can take responsibility and which can be sustained in the long term. The National Park Plan recognises that in managing this integrated approach, there will be differing views on many matters. It also emphasises that: *"The starting point must always be to work towards all four aims collectively, rather than to assume they are not mutually achievable. If, after taking this approach, there appears to the National Park Authority to be a 'conflict' between the first aim of the Park — to conserve and enhance the natural and cultural heritage — and the other three aims, greater weight must be given to the first aim"*.

3.4 This approach reflects the requirements of section 9 of the Act:

National Parks (Scotland) Act 2000 section 9

(1) The general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way.

(6) In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).

Policy 1 Development in the Cairngorms National Park

a) Development will be supported where the aims of the Park are collectively achieved in a co-ordinated way, or where the objectives of designation and the overall integrity of the area are not compromised.

b) Development that would have any significant adverse effects on the special qualities of the Park will only be permitted if these are clearly outweighed by social or economic benefits of national importance and will be mitigated to the satisfaction of the planning authority by the enhancement of qualities or features of equal importance to the National Park.

c) Where development appears to cause conflict between the first aim of the Park and other National Park aims, greater weight will be given to the first aim to conserve and enhance the natural and cultural heritage of the area.

d) Development that is likely to conflict with the second, third or fourth aims of the Park or lead to adverse effects on the Park's special qualities, will only be permitted where it is considered that these would be clearly outweighed by the development's likely positive contribution to one or more of the other aims and the Park's special qualities, and where satisfactory measures are incorporated to minimise, mitigate or compensate the adverse effects of the development.

e) Where the potential impacts of a proposal are uncertain, but where there is an evidence base to indicate that significant irreversible damage could occur either to the current environmental or social or economic situation, the precautionary principle shall be applied.

Background and Justification

3.5 This policy supports all of the National Park strategic objectives and in considering its impact on development proposals, regard should be given to the special qualities of the Cairngorms National Park as set out in the National Park Plan section 3.2.

Implementation and Monitoring

3.6 Policy 1 sets out the role of the Park's aims and the special qualities in planning decisions,

~~highlighting the need to give greater weight to the first aim where it appears to the authority that there is a conflict between the 1st aim and the other aims. It is the policy that will underlie all planning decisions within the Cairngorms National Park and will be the starting point and ending point in assessing planning applications.~~

~~3.7 In accordance with the National Parks (Scotland) Act 2000 and as highlighted in para 3.4, Policy 1 and the Local Plan in total will stand as an important delivery tool in achieving collectively the aims of the Park.~~

~~3.8 The policy will be used in the assessment of all proposals, of national, regional and local significance, and in doing so, the planning authority will take into account the impact any development would have on the aims of the Park and the obligations established through National Planning Policy Guidance.~~

~~3.9 Policy 1 will be implemented in conjunction with all other policies in the Local Plan, and in line with national guidance and protocol of planning procedure. Policy 1 together with the other policies in the Local Plan is intended to support the co-ordinated delivery of the Park's aims and to promote and protect its special qualities. The detailed policies will provide a clear justification for approval or refusal of planning applications in their own right. Policy 1 will form a firm foundation for decision making and link the detailed policies back to the aims of the Park. This policy also provides a basis for the assessment of any proposals that have not been anticipated in the other policies of the Plan.~~

~~3.10 This policy will be monitored through analysis of planning approvals and how they impact on achieving the aims of the Park. To assist in this monitoring work, the Cairngorms National Park Authority will continue to support improvements to the evidence base and data collection carried out by the Authority, its Partners and others. Reference should be made to the strategic objectives of the National Park Plan 5.1j in this regard. Developments must comply with all relevant policies in the Plan to comply with Policy 1.~~

Introduction to Section 2 of the Report

Extract from the Reporters Report

Additional Suggestions/Reservations to be addressed

5.6 ... in future versions, of which the first will be the Local Development Plan, we suggest that the supporting text for each policy be limited to a reasoned justification for the particular policy along with references, only as appropriate, to supplementary guidance and any necessary detail on how the particular policy will be implemented. We note in passing here our continual concern that in many places supplementary guidance is either intended and not mentioned in the CNPLP, or it is mentioned only in the text without being linked into policy or listed in an Appendix to the local plan, along with an anticipated timescale and commitment to consultation. We recommend that this should be addressed, to overcome many objections, to give the guidance a clear role in the process of implementation, and to give CNPA flexibility in moving toward the next phase which is the Local Development Plan.

5.7 ... We recommend that for future plans these matters might be consigned to a separate document in which these processes are described in general, with any exceptions and additions relevant to particular policies noted.

1. CNPA analysis and comment

1.1 In reviewing the comments made in regard to the introduction of Section 2 of the Report, CNPA notes the suggestion to limit text within the Local Development Plan, and to use supplementary guidance. CNPA welcomes this advice, and will take up this approach as it begins the process to produce a new Local Development Plan in the future.

1.2 In regards to the need to refer to supplementary guidance which will support this Local Plan, CNPA accept this and will include as an appendix to the plan the list of supplementary guidance which will be produced. This information has already been published on the CNPA web site, but to provide readers of the Local Plan with a full picture of the information available, this appendix is intended to provide the necessary links between the policies in the plan, and the supplementary guidance produced.

2. CNPA decision

2.1 Accept the suggested changes to add an appendix to the Local Plan to clarify what supplementary guidance will be produces.

2.2 Accept the suggestions regarding layout to be addressed in the Local Development Plan.

3. Changes to plan needed to address decision

3.1 Include Appendix 3 to the Local Plan to set out what supplementary guidance will be produced to support the policies.

Appendix 3 Supplementary Planning Guidance

Topic	Information	Date/progress
Affordable Housing	To clarify for developers how they will be able to meet their affordable housing requirements as set out in policy	Adoption with adoption of Local Plan
Sustainable Design Guide	Provide additional detail as to what required under Policy	Adoption with adoption of Local Plan
Rural building groups	Provide clarity on what will constitute a rural building group for the purpose of Policy	Adoption with adoption of Local Plan
Energy Generation	Provide additional guidance about acceptable types and locations for various renewable energy technologies	Adoption with adoption of Local Plan
Water resources	Provide additional guidance for developers how they will be able to meet the requirements of the policy	Adoption with adoption of Local Plan
Carbon emissions from new developments	Provide additional guidance for developers how they will be able to meet the requirements of the policy	Adoption with adoption of Local Plan
Open Space	Formal requirement set out in PAN 65	Adoption with adoption of Local Plan
Landscape framework	To indicate links to Wild Land work, Landscape Character Assessment and other landscape work	Preparation to follow landscape framework. Planned for consultation summer 2010
Natural Heritage	To provide additional information for applicants on natural heritage issues	Adoption with adoption of Local Plan
Developer contributions	To clarify what will be required from developers as part of proposals under Policy	Adoption with adoption of Local Plan
Conversions	To clarify when a conversion is not a conversion	Adoption with adoption of Local Plan
Core Paths Plan		Adopted by CNPA March 2010
Wildness	To provide additional guidance on our approach to Wildness including advice on development which might affect it eg hill tracks	Work commenced and due for public consultation 2010
Masterplan – Ballater HI	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Commence work in conjunction with community and key stakeholders timeously to ensure adoption prior to the receipt of any application for development
Development Brief – Kingussie HI	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Application for masterplan for whole site received by CNPA
Development Brief – Grantown H2	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Adoption with adoption of Local Plan
Development Brief – Newtonmore HI	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Adoption with adoption of Local Plan

Development Brief – Newtonmore H2	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Adoption with adoption of Local Plan
Development Brief – Kincaig H1	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Adoption with adoption of Local Plan
Development Brief – Dulnain Bridge H1	To provide clarity on what will be expected of developers on land allocated including , for example, access, landscaping, density, layout, phasing	Adoption with adoption of Local Plan
Aviemore Design Framework	To provide information about strategic approach to design in Aviemore	Adoption with adoption of Local Plan
Tomintoul Masterplan	Document that will set out Crown Estates long term plans for Tomintoul	Work to be commenced by Crown estate with help from CNPA at Crown Estates agreed timetable – no agreement reached as yet

Issue	General Economic development		
Reporters	Jill Moody & Hugh M Begg		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	4001
Procedure	Written submissions		
Objector	Fergus Ewing MSP	Objection ref	041

Extract from the Reporters Report

Conclusions

6.16 Based on all of the above, we conclude that the general approach to economic development as found in the finalised version of the CNPLP meets the strategic objectives of the CNPP 2007 and it accords with relevant national planning policy guidance. However, we can understand why there are those who fear that in successive drafts, the policies and the associated text have given more support to strategic objectives relating to Living and Working in the Park and rather less to Conserving and Enhancing the Park.

6.17 We have considerable reservations about whether the CNPLP provides sufficient land in appropriate places and does enough overall to encourage a broad economy for the Park to satisfy the strategic objectives from the CNPP 2007 and to meet the requirements of national planning policy. Allied to this, we are surprised that Policy 27 is the sole land use policy focussed principally on meeting the terms of the 8 strategic objectives for Economy and Employment which are set out in the CNPP 2007 (section 5.2.3, pages 69 to 71).

6.18 More specifically, there is no evidence that CNPA has established the land supply for economic development within particular settlements which would be appropriate even for the life of this local plan, to comply with SPP 2. Further, from the evidence before us, it seems that the approach adopted by CNPA to the land allocations that have emerged lacks meaning because it is not based on well-accepted and sound planning practice. That would have entailed a survey of the available resource, assessment of constraints and genuine opportunities, as compared to need in particular locations and against the settlement hierarchy, all to identify what land might be necessary. That missing information would have enabled CNPA to plan for economic development and thereby to satisfy national and strategic planning policy more fully, including the contribution that the allocations could make to the achievement of sustainable communities.

6.19 Our general concerns are given particular point by our assessment of the position in Newtonmore. We agree with the objector that the CNPLP offers little encouragement for any existing business seeking to expand or new business to locate in Newtonmore.

6.20 These are serious deficiencies which, if they cannot be remedied before the adoption of this local plan, must be addressed in full in the forthcoming Local Development Plan.

6.21 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

6.22 *Accordingly, we recommend that CNPA should review the local plan before its adoption to ensure that a proper balance has been struck and the right emphasis applied to the encouragement of economic development. We further recommend that the allocation of land for economic development in Newtonmore should be revisited.*

Additional Suggestions/Reservations to be addressed

6.8 ... *we consider that CNPA should review the plan against the strategic objectives of the CNPP 2007 before it is adopted, to make sure that the appropriate balance is achieved between too much or too little by way of encouraging economic development as narrowly defined.*

1. CNPA analysis and comment

1.1 In reviewing the recommendations made by the Reporters in regard to the general approach to economic development CNPA is encouraged by the clear acceptance of the Reporters of the direction provided by the CNPP 2007. SPP2 set the national planning policy context, and CNPA accept that the approach should adhere to the guidance provided in that. Linking both national and strategic planning policy, CNPA also accept that the approach to economic growth must take full account of the conserving and enhancing strategic objectives which stem from the first aim of the Park, in addition to those that stem from the fourth aim.

1.2 The CNPA has constantly at the forefront of its thinking the four aims of the Park, and the guidance provided by the CNPP 2007. In drawing up the Local Plan and its approach to economic development these have provided both a clear direction and a focus for thought. In developing its approach CNPA has endeavoured to liaise with partner organisations and local communities to gauge the level of need within the Park area, and using this information develop a policy approach which would be conducive to business growth and investment that is consistent with the special qualities of the Park and its strategic location.

1.3 CNPA do however accept the criticism that the information obtained was not sufficiently detailed to allow the development of a suitably sophisticated approach to economic growth. Without this detail it was decided to formulate policies which could be used to assess the suitability of development proposals. However CNPA accept that this approach does not fully comply with the requirements of SPP2. The Local Plan does contain policies which support business opportunities both within and outwith settlements including in rural locations, as required by SPP2 and SPP15. The Vision for the Local Plan is taken from the CNPP 2007, and expands this to include a number of guiding

principles which include the consideration of economic growth within the overarching aim of providing a world class National Park.

1.4 However CNPA accept that the Plan does not go far enough in the identification of sites to assist in the delivery of these policy objectives, in accordance with SPP2. The identification of the established and effective land supply for economic growth is currently carried out by the relevant Local Authority, but the plan did not make adequate reference to this work. Nor did the Plan make adequate analysis of the needs of communities and the business sector in planning for the future. In our acceptance of this, and in light of our commitment to the production of a Local Development Plan, CNPA does not consider it appropriate to carry out a whole-sale review of employment land at this late stage in the local plan process. Rather it is considered more appropriate to conduct a full and comprehensive assessment of established and effective land and growth aspirations of both communities and the business sector to inform the Local Development Plan. This work will also inform the emerging NPP which will set the strategic direction for the Local Development Plan. In this way the issue will be dealt with in a rounded way to produce the most appropriate policies and allocations to ensure conditions are created for business growth and investment that is consistent with the special qualities of the Park. This work will involve full engagement with stakeholders and the preliminary work has already commenced, with consultants currently working on an Economic Baseline Review.

1.5 With specific regard to the recommendations on Newtonmore, CNPA accept that further work is needed to establish precisely how much land is required for economic growth in this strategic settlement. However CNPA consider that, as above, carrying out such a comprehensive review at this late stage in the plan making process is not appropriate, and does not allow for full stakeholder involvement in the process. The needs of Newtonmore will therefore form part of the Park wide review described above. Should this work flag up the need for a more immediate response to the particular needs of Newtonmore, which cannot be dealt with using the suite of policies contained within the Local Plan, CNPA is committed to the production of Supplementary Guidance to cover this issue.

1.6 In the event that the work carried out flags up the need for additional land to be allocated before the production of the draft Local Development Plan, CNPA is committed to the production of appropriate supplementary guidance to cover this.

2. CNPA Decision

2.1 CNPA accept the criticism of the methodologies used in the assessment of economic growth, but do not accept that it is appropriate to include this detailed work at this late stage in the plan making process. CNPA commits to a root and branch review of economic growth aspirations within communities across the Park, and to full stakeholder engagement. It will then produce a full assessment following the guidance provided by Scottish Government to inform both the Local Development Plan and emerging National Park Plan. Should this work flag up the

need for a more immediate response CNPA will bring forward supplementary guidance to cover the topic.

3. Changes to plan needed to address decision

3.1 Amend the text to reflect the option to produce supplementary guidance should the need arise.

5.79 In considering the strategy for economic development, the local plan takes its impetus from the National Park Plan. Policies then set out the framework for the assessment of development proposals, and proposals maps identify particular opportunities for growth. Enterprise strategies for the area establish aspirations to increase the population, improve the demographic structure, create new employment opportunities, raise income levels and be an exemplar of the best the country has to offer. The National Park Authority in support of this establishes a number of objectives to improve opportunities for economic development within the Park, and the Local Plan approach must therefore be flexible enough to ensure that enterprise can occur in harmony with the important natural and cultural environment. The National Park Authority will continue to review the need to allocate land to support the economy and will bring forward new land for consideration as the need arises.

.

Issue	General Housing land supply		
Reporters	Hugh M Begg & Jill Moody		
Procedure	Hearing		
Objectors	Ballater & Crathie Community Council	Objection refs	091a/b/g/h/j/ k/l/m/n
	Badenoch & Strathspey Conservation Group		400g(e)/n
	Mrs Jane Angus		437k/o/u
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020a/j
	DW & IM Duncan		037a/g/h/p
	Muir Homes Ltd.		038l
	James & Evelyn Sunley		056i/m
	Clare Jenkins		057
	Mr & Mrs Houston		096b
	John Davison		344
	Albyn Housing Association		385b
	John M Smith		387
	McLeod Building Ltd		389
	Roy Turnbull		390u
	The Proprietors of Mar Centre		394i
	The Clouds Partnership		398c
	Dinnet & Kinord Estate		438b
	North East Mountain Trust		443f
	Goldcrest (Highland) Ltd		445a
	The Cairngorms Campaign		448f
	Reidhaven Estate		456c
	Phillip John Swan		462a/b
	Victor Jordan		537c

Extract from the Reporters Report

Conclusions

7.30 When we review our reasoning on the 4 main issues and the findings that have emerged, we note our considerable concerns about Table 2. It is also not at all clear to us: from the topic papers upon which CNPA has so heavily relied; from the text in the plan; nor from the oral evidence, how the phased land supply by local authority area and by settlement as set out in Table 3 and Table 4 has been derived. When inquiring about the methodologies and projections upon which these calculations are apparently based, we were directed to an array of background and topic papers, as well as to text within the CNPLP. All of this was also supplemented by statements of case, written submissions, and some oral evidence. However, no professional witness directly involved in the process of calculation or projection was made available to answer our specific questions.

7.31 Given our experience of this, we can well understand that lay readers of the plan, some of whom have emerged as objectors, would have found it more

helpful to have the essence of the methodology explained in a technical appendix or an associated document rather than scattered throughout the local plan and its supporting papers. The explanation need do little more than set out the basics of the methodologies, the assumptions made, and the links between the various stages involved in making the calculations and allocations. All of this could be drafted in readily comprehensible and accessible language. Preferably, this sort of material should be prepared to supplement the CNPLP but, at the very least, it should form the basis of the forthcoming Local Development Plan.

7.32 Based on our reasoning on the first issue, we conclude that the local plan should guard against the incorporation of policies and proposals which, whether by accident or design, give the impression that it is a document which runs contrary to the aims of the Park and the terms of the CNPP 2007 as the strategic expression of how these aims are to be achieved. Nowhere in the CNPP 2007 can we find a strategic objective which supports policies that encourage an allocation of housing land very considerably beyond that required to accommodate a population as reasonably projected on current trends. We conclude also that the designation of the National Park provides more than enough justification for CNPA to conduct its own assessment of housing land requirements within its area. Equally, we see no justification for CNPA to follow slavishly the content of the approved structure plans or the adopted local plans as they affect the designated area. As we have noted above, designation under the National Parks (Scotland Act) 2007 sets the Cairngorms apart from the rest of Scotland and even national planning policy cannot always be directly applied.

7.33 Turning to the third and fourth issues, we conclude that that the rationale for the calculation of the housing requirement is unconvincing and the connection with housing land requirement is not made sufficiently clearly. We have no particular quarrel with the adoption of the upper household projection identified in the local plan as the basis for the housing land requirement. However, we note that allows for some 25% more households than if the lower projection had been adopted. While we can understand the principles being relied upon, we can find no basis for the 50% allowance for second homes and vacant property even if that is prefaced as an open market housing allowance. Further, bearing in mind the adoption of the upper household projection we also have considerable doubts about the applicability of the 15% flexibility allowance. In the light of our own reservations, and in the absence of detailed evidence to explain these uplifts, we sympathise with the objector who took the view that the housing land supply should be based on a requirement to the year 2016 of 950 and no more. On the evidence before us, and bearing in mind the requirement of SPP 3 to provide a generous land supply, we would be reluctant to go that far. But we are in no doubt that the overwhelming weight of evidence before us leads to a conclusion that the calculation of 1568 housing units as the housing land requirement to 2016 is a substantial over estimate. Further, when we relate the rationale and its outcomes to the specific requirements of SPP 3 (paragraph 33), the housing land requirement is overly generous in any context, let alone that set by the aims of the National Park.

7.34 We consider that the housing requirement as adopted by CNPA for its purposes and the housing land supply as inherited from the adopted local plans and allocated in the proposals maps may well be considerably more than is justifiable. However, CNPA is bound to monitor the rate at which the land supply is built out and we recognise that the phased release of land can be a mechanism for matching supply with the demand for market housing, taken with the need for affordable housing. In short, in the circumstances as explained to us, and bearing in mind the CNPA calculations, the phasing of development on the sites in each settlement will be of critical importance in providing a housing land supply which is appropriate to the requirements of the CNPP 2007.

7.35 Moving on to the final issue, as far as the content of Table 4 is concerned, we cannot be completely satisfied that the allocations contained in any of the versions in the emerging local plan refer to the established housing land supply in the various settlements let alone the effective land supply. In that respect Table 4 fails to meet the requirements of SPP 3 and it does not go far enough in setting out and explaining the allocation of effective housing sites that would achieve the strategic objectives of the CNPP 2007. All of the deficiencies that we have identified in the calculations and the allocations to particular settlements are very substantial defects and we are satisfied that serious consideration should be given to resolving them before the CNPLP can be progressed to adoption.

7.36 We have considered all of the other matters that have been drawn to our attention, including the officer proposed post inquiry modifications that were presented to the inquiry, but find none of such weight that it alters our reasoning or conclusions.

Recommendation

7.37 Accordingly, we recommend that paragraphs 5.35 to 5.40 should be deleted from the Deposit Local Plan Modifications (1st and 2nd) along with Tables 2, 3, and 4. All of this material should be replaced with text and associated tables that explains the assessment of housing land requirements in the National Park and the housing land allocations to particular settlements, in a manner which complies with the requirements of SPP 3: Planning for Homes, with the terms of the CNPP 2007, and which incorporates the most up to date information available to CNPA including the various housing land audits.

Additional Suggestions/Reservations to be addressed

7.12 ... Housing land requirements are defined as The amount of land required to be allocated for housing to meet the identified housing requirement. Table 2 seems to set out the CNPA view on the former rather than the latter, which we find leaves considerable room for confusion. CNPA must either adopt this nationally accepted definition, or must explain the reasons for rejecting it, before the local plan is progressed to adoption.

7.17 ... We note that the upper household projection has been chosen by CNPA to reflect both the backlog of demand and the effect of inward migration.

While we have no particular quarrel with that decision we note in passing our understanding that the generous migration assumptions which have been discussed above are an integral part of the calculation of the population projections from which the household projections are derived. With that in mind, CNPA will wish to be certain that these projections do not involve any suspicion of double counting.

1. CNPA Analysis and Comment

1.1 In reviewing the recommendations of the Reporters relating to housing land supply, CNPA acknowledge that this topic generated much debate at the Local Plan Inquiry and before hand, and accepts that the information provided did not set out in a sufficiently clear manner its approach and methodology. In light of this CNPA accepts the criticism from the Reporters. They have set out their views on what they would have expected to see both in terms of evidence presented and in content within the Local Plan. In our assessment of their recommendations, CNPA will therefore provide the information requested to clarify its approach. It will also be able then to justify the approach in general terms to housing land supply, including the setting out of any changes considered necessary to address the recommendations. Site specific analysis and changes will then be dealt with under the assessment of Chapter 7 Settlements.

1.2 CNPA accept that in line with best practice it is a requirement of supporting information to the Local Plan to set out clearly the housing land requirement within the National Park, the established and effective land supply, and current position regarding housing land audits, and the allocations of land by settlement to meet the need established. CNPA in the deposit plan included tables 2-4 which were intended to provide this information. However CNPA accept that these tables failed in providing the information in a clear and understandable manner.

1.3 In looking at table 2 Housing land requirement calculation, CNPA welcomes the recognition from the Reporters that the commissioned research to establish the household projection is the most reliable evidence available on which to base the development of a policy towards the supply of housing land. In this research CNPA and other partners were heavily involved in ensuring that the figures produced properly reflected appropriate assumptions and growth projections.

1.4 To allow for a degree of flexibility CNPA added additional provision in Table 2 without producing adequate justification. CNPA accept this criticism of this table. The Reporters do acknowledge the task faced by CNPA in improving the delivery of affordable housing to meet local need. However they are clear that the allocation of additional land to promote growth is not an appropriate method of achieving this. CNPA is not the housing authority, and as such is limited in the mechanisms available to influence the delivery of housing on the ground. In developing its thoughts while preparing the consultative and deposit versions of the Local Plan CNPA did consider alternative methods of delivery. Indeed this may have confused the debate on housing land supply and it is accepted by

CNPA that the housing land requirement was not established before consideration of the need to provide affordable housing.

1.5 CNPA therefore accept the conclusion that, for the purposes of table 2, the figures produced by the University of Manchester are the best available evidence on which to base table 2. The figures include already a degree of flexibility and as a result CNPA are content to remove any additional flexibility for the mean time.

1.6 CNPA is however committed to the provision of affordable housing. It will undertake research into options to delivery housing to meet local need, which will then be used to inform the forthcoming National Park Plan and Local Development Plan.

1.7 Turning to Table 3 in this CNPA has endeavoured to set out the phased land supply by local authority area. However this has not followed best practice as set out in SPP3. The Reporters have criticised the lack of transparency in the methodology used, and also the lack of a clear housing land audit to support this table. CNPA accept that this table has not followed best practice. It has relied on the housing audits produced by the Local Authorities, information which is in the public domain, and updated periodically by the Local Authorities to provide an accurate picture. In accepting that best practice has not been followed, CNPA therefore accept the need to clarify the position, and provide additional information to assist in understanding the overall position regarding housing land allocations. CNPA also accepts the Reporters findings that they have no quarrel with the adoption of the upper projection of 950, as this includes a level of flexibility CNPA is keen to include. CNPA will therefore proceed on this basis.

1.8 Moving on the Table 4 the Reporters criticise the lack of clarity on what is effective and what is established housing land supply. SPP3 does set out how to clarify this and CNPA accepts that the table does not follow best practice. Again CNPA therefore accept the need to amend this information to clarify exactly what is established, what is effective, and what forms part of the housing land supply for this local plan.

1.9 In summary therefore in regard to the housing tables 2-4, CNPA accept that best practice has not been followed and new tables setting out the baseline effective housing land supply at the commencement of the plan, completions from the latest housing land audits, the current effective housing land supply from the latest housing land audits, and finally the effective housing land supply contributing to the plan as it moves towards adoption are set out below. These are to provide clarity to the reader on how the allocations taken forward in the plan contribute to the overall need for housing land across the Park.

1.10 The Reporters move on to examine the settlement hierarchy. The Reporters criticise the lack of a settlement vision for each settlement. There is also no clear explanation to set out the difference in the three levels within the hierarchy, and how a settlement might move up to the next level. CNPA accept that this additional information will improve clarity for the reader, and justify the positioning of the various settlements within the hierarchy. To address this,

CNPA will therefore include a statement for each settlement to explain why its position within the hierarchy. Whilst a more detailed vision for the development of each settlement might also assist, CNPA do not feel it appropriate to develop such a settlement specific vision at this late stage in moving the Local Plan towards adoption. The development of a vision will therefore form an integral part of the stakeholder engagement on the Local Development Plan where communities can have full and detailed input into the vision for their own settlement. Work on this has already commenced with the ongoing programme of community engagement sessions and the commencement of the review of the CNPP 2007. The changes associated with this recommendation will be included in our full analysis of the Introduction to Section 3 of the Report.

2. CNPA Decision

2.1 CNPA accepts the criticism regarding Tables 2-4. Revise both the tables and text to clearly set out the established and effective housing land supply identified within the Local Plan.

2.2 CNPA also accepts the criticism regarding the need for clarity associated with the settlement hierarchy.

3. Changes to plan needed to address decision

3.1 Replace the text regarding housing land requirement and supply with new text and tables which comply with SPP3 and set out clearly the established and effective housing land supply using the most up to date housing land audit data.

3.2 Include an explanation for each settlement to clarify its position in the settlement hierarchy.

Housing Land Requirement and Supply

5.35 The Park Plan directs the Local Plan to provide enough effective land for market and affordable housing to meet the economic and social needs of the Park's communities, encouraging proactive settlement growth in the main settlements (Newtonmore, Kingussie, Aviemore, Grantown-on-Spey and Ballater) and the provision of land for housing growth to meet the social and economic needs of other settlements/communities. The Park Plan also encourages a population level and mix in the Park that meets the current and future needs of its communities and businesses and seeks increased accessibility of rented and owned housing to meet the needs of communities throughout the Park.

5.36 There is no exact measure of how many dwellings will be required in the future, nor any accurate method of predicting how many dwellings will be built during the lifetime of a Local Plan. The National Park Authority must make an estimate of the likely need and demand, as well as the implications of its own housing or economic objectives and allocate appropriately. When making this estimate it must consider the likely growth in

households, the need for housing, demand for housing, any infrastructure or other constraints or risks to the effectiveness of land and the historical operation of the housing market.

5.37 The Local Plan has identified a land supply that will, in combination with the housing, economic development and other policies, and specific settlement proposals, provide for a more effective supply of housing and a wider range of affordable housing options for those who wish to find a house in the Park. This supports the National Park aim for creating and supporting sustainable communities.

5.38 Table 2 calculates the land required to meet the housing need based on the estimates of household growth established in para 5.33 at 950 between 2006 and 2016. A further allowance is also needed to allow for units built which does not provide housing to meet this need, for example vacant properties and provision which cannot be controlled by the planning system. To allow for any uncertainty in market or population conditions an additional 15% is also included, giving a total requirement of approximately 1640.

Table 2 Housing land requirement calculation

Source of requirement and rationale for figure
No of units to 2016

1. Household projection

The upper household projection has been chosen to reflect both the backlog of demand for housing from recent years and the effect of inward migration

950

2. Open Market housing allowance

A 50 per cent allowance for sectors of the open market which cannot be controlled through the planning system and which do not form part of the household projection, and vacant property

475

Table 3 Phased land supply by local authority area

Local Authority Area	2006-2011	2011-
2016	Total	
	Consented New land supply	supply
Highland (Badenoch & Strathspey)	405	486
678	1569	
Moray	0	12
12	24	
Aberdeenshire	32	98
127	257	
Angus	0	0
n	n	

Add reference for figures from studies.

Table 4 Phased land supply by local authority area

Settlement or Local Authority	approximate consented supply not yet built	indicative capacity of additional sites identified	2006-2011 target numbers of units (consented and new)	2011-2016 indicative target	capacity for medium to longer term
Aviemore	235	80	250	50	15
An Camas Mor		1500	100	300	1100
Grantown-on-Spey		250	75	90	85
Kingussie		300	75	75	150
Newtonmore		220	75	75	70
Boat of Garten		70	50	20	0
Carrbridge	117	0	117	0	0
Cromdale		80	30	30	20
Dalwhinnie		23	12	11	0
Dulnain Bridge		40	20	20	0
Kineraig		40	34	6	0
Nethy Bridge	53	0	53	0	0
Total Highland	405	2603	891	677	1440
Target new land supply to 2016		1163	916	678	Not-estimated
Ballater		250	90	100	60
Braemar	32	35	40	27	0
Total Aberdeenshire	32	285	130	127	60
Target new land supply to 2016		225	130	127	Not-estimated
Tomintoul		40	12	12	16
Total Moray		40	12	12	16
Target new land supply to 2016		24	12	12	Not-estimated
Angus Glens		0	0	0	0
Total Angus		0	0	0	0
Target new land supply to 2016		0	0	0	Not-estimated
Total CNP	437	2928	1033	816	1516
Target CNPA			1033	817	Not-estimated
For clarity	a	b	x	y	z

Figures included are indicative projected time scales of sites. Final densities will be calculated taking into account best use of available serviceable sites and analysis of best practice in terms of sustainable development. Development of sites may occur at different speeds, dependent on market conditions, demand and developer aspirations.

(For clarity $a + b = x + y + z$)

~~5.39 The land requirement translates to a land supply for each local authority area over ten years as described in Table 3. Because the sites of the consented land supply were approved under different policies, they are assumed to make only a partial contribution to the strategy of the Cairngorms National Park Local Plan.~~

~~5.40 The Local Plan must therefore allocate land to accommodate the potential development of around 1040 dwellings during its five-year lifetime. It must also identify land for a further 817 dwellings approximately to secure an ongoing five-year land supply during its lifetime. The rate of land use will be monitored through annual housing land audits. An indicative schedule of the housing land allocated through the Local Plan is shown in Table 4.~~

Housing Land Requirement

5.35 The National Park Plan sets the strategic direction for the Local Plan for housing. It establishes that *“The need to ensure greater access to affordable and good quality housing to help create and maintain sustainable communities is a key challenge in the National Park.”* One of the Strategic Objectives directs the Local Plan to make appropriate provision for land for housing, in particular to meet the need to increase the accessibility of rented and owned houses to meet the needs of communities throughout the Park.

5.36 The Scottish Government through SPP, gives it commitment to increasing the supply of new homes and to achieve this requires the planning system to identify a generous supply of land for the provision of a range of housing in the right places.

5.37 SPP goes on to require that the identification of land for housing in development plans should be effective and capable of development to meet the housing land requirement for a minimum of 5 years at all times. The use of housing land audits is recommended as the way to monitor the availability of effective sites, the progress of sites through the planning process, and housing completions. Effective sites are sites which, within the 5 year period beyond the date of the housing land audit, can be developed for housing and will be free of constraints. The constraints listed are ownership, physical, contamination, deficit funding, marketability, infrastructure and land use. This is the definition used in drawing up the housing land audits.

5.38 To this end Appendix 2 sets out Tables 1-4 which set out the most up to date position regarding the effective supply of sites as identified in the Local Authority Housing Land Audits and within this Plan. From these it is clear that the Local Plan must provide sufficient land to provide 774 units to meet the need to 2016.

5.39 The National park Authority is required to allocate sufficient land to provide an effective supply of land for a 5 year period at all times. The Plan covers the period 2006 – 2016. To ensure an effective 5 year supply of land is provided during the last half of the plan period the National Park Authority must look beyond 2016.

5.40 Table 4 sets out those sites which are being taken forward in this Local Plan to met the housing need in accordance with the need identified in Table 3, and the requirement to look beyond 2016 in ensuring a 5 year supply of effective land at all times. On this basis the Plan allocates sufficient land for 835 units. The allocation will be monitored annually to ensure the Plan is supplying the required 5 year supply at the time of each annual housing audit.

Table 1 – Baseline effective housing land supply at the commencement of the plan preparation.

Table 2 – the most current information regarding completions

Table 3 – Current effective land supply

Table 4 – Current effective land supply reflecting the Post Inquiry Modifications. This table provides the basis for all allocations in the Local Plan.

Appendix 2

Table 1 sets out the baseline effective housing land supply at the commencement of plan preparation. This table, using the housing land audits published by the constituent Local Authorities, includes all sites identified in both the adopted plans when work commenced on the preparation of this plan, and also those sites carried forward into the current Local Plan. It identifies an effective supply of housing land of 904 units to meet the need of 950 units to meet the need to 2016. (para 5.33).

Table 2 sets out the most up-to-date information regarding house completions taken from the most recent housing land audits at the time of preparation on this plan. This identifies 176 completions since the baseline effective land supply was identified, which count towards the requirement for 950 units..

Table 3 - Having therefore established an initial need of 950 units, with 176 having been built and contributing to meeting this need, the Local Plan must therefore provide land for 774 units to meet the need to 2016. (950-176). To make sure the plan is meeting this need the most up to date housing land audits have been studied to identify the effective land supply. This is set out in Table 3.

Table 4 sets out those sites which are being taken forward in this Local Plan to meet the need to 2016. (774). This table is the basis for all allocations within the Plan. The Plan allocates sufficient land to supply 835 units, which ensures adequate provision to meet the current need, and allows a degree of flexibility to provide an effective supply of land for a 5 year period at all times. The allocations will be monitored annually to ensure the Plan is supplying the required 5 year supply at the time of the annual audit.

Table I Baseline Effective Land Supply

Settlement	Site	2006-2011 land audits programme	completions in 2006	Effective supply 2006- 2011	sites not included in CNPA local plan	Effective supply less those sites not carried forward into CNPA local plan ie: <u>the effective supply for this plan</u>
	The Highland Council 31st Dec 2006 - 31st Dec 2011 (2006 Audit)					
Aviemore	Aviemore North	200	87	113		113
	Edenkillie	75	0	75		75
	Dalfaber North	100	0	100		100
	West of Burn	20	0	20	*	0
	Centre lands	75	0	75		75
Grantown on Spey	Seafield Ave/Beachen Court	30	0	30		30
	Seafield Ave/Castle Rd E	90	0	90		90
	Mossie Road	30	0	30		30
Kingussie	N & E of Dunbarry Rd	60	0	60		60
	Craig an Daroch	0	0	0	*	0
	Ardvonie Road	12	0	12	*	0
	St Vincents House	0	0	0		0
Newtonmore	Perth Rd - Station Rd	60	0	60		60
	Perth Rd - Laggan Rd	0	0	0		0
	Clune Terrace	0	0	0	*	0
Boat of Garten	South of Deishar Road	15	0	15	*	0
Carrbridge	Dalrachney Lodge	3	1	2		2
	Off Crannick Place	90	0	90		90
Dalwhinnie	Ben Alder Rd	2	0	2	*	0
	Grampian Hotel	2	0	2		2
	Loch Ericht Hotel	2	0	2	*	0
	Loch Ericht Road	0	0	0		0
	Post Office	0	0	0	*	0

	North of substation	0	0	0	*	0
	North and East of hall	0	0	0	*	0
Dulnain Bridge	Fraser Road	10	0	10		10
	Waulkmill	8	0	8		8
	School Road	10	0	10	*	0
Kincraig	NE of MacRae Crescent	20	18	2		2
	off Suidhe Crescent	18	10	8		8
	Opp primary school	0	0	0		0
Nethybridge	Duack Bridge	0	0	0	*	0
	Nethybridge Hotel	10	0	10		10
	Former Nursery	8	0	8	*	0
	West of B970	30	0	30		30
	School Road	4	0	4		4
	Craigmore Road	12	0	12		12
Other	Insh	8	0	8	*	0
	Lynchat	6	0	6	*	0
Sub total				894		809
	Aberdeenshire Council 31st March 2007 - 31st March 2012 (2007 Audit)					
Ballater	Monaltrie Hotel	35	0	35		35
Braemar	Balnellan Road	20	0	20		20
	St Andrews/Fife Brae	30	0	30		30
Sub Total				85		85
	Moray Council 31st March 2007 - 31st March 2012 (2006 Audit)					
Tomintoul	Conglass Lane (N)	4	0	4		4
	Tomnabat Lane	6	0	6		6
Sub Total						10
Totals	Total					904

Table I Footnotes and explanation

- I. Information gathered from Local Authority Housing Land Audits at the commencement of plan preparation
 - The Highland Council Housing Land Audit (baseline date 31st December 2006)
 - Aberdeenshire Council Housing Land Audit (baseline date 1st January 2007)
 - The Moray Council Housing Land in Moray (baseline date 1st January 2006)
2. * Site not included in CNP Local Plan and not therefore contributing to the effective housing land supply for this plan.
3. Underlying assumption that there is a need for 950 units (para 5.33).

Table I demonstrates that at the commencement of preparation of the local plan, once those sites which were not carried forward from the existing local plans into this plan have been removed, there was an effective housing land supply of 904 units, 46 units short of the need.

Table 2 Information on completions from latest housing land audits

Settlement	Site	Site ref in CNPA Local Plan	Effective supply identified in 2006/7	completions from latest audits
The Highland Council 31st Dec 2007 - 31st Dec 2012 (2007 Audit)				
Aviemore	Aviemore North		113	73
	Edenkillie		75	0
	Dalfaber North	H2/H3	100	0
	West of Burn		0	0
	Centre lands	H1	75	0
Grantown on Spey	Seafeld Ave - Beachen Court	H2	30	0
	Seafeld Ave - Castle Road E	H1 (part)	90	0
	Mossie Road	H1 (part)	30	0
Kingussie	N and E of Dunbarry Road	H1	60	0
	Craig an Daroch		0	0
	Ardvonie Road		0	0
	St Vincents House		0	0
Newtonmore	Perth Road - Station Road	H1	60	0
	Perth Road - Laggan Road	H2	0	0
	Clune Terrace		0	0
Boat of Garten	South of Deishar Road		0	0
		H1	0	0
Carrbridge	Dalrachney Lodge		2	3
	Off Crannick Place	H1 (part)	90	0
Cromdale	West of Bridge		0	0
	Kirk Road		0	0
	Btw Old Inn and Tom-an-uird View	H1	0	0
	West Cromdale	H2	0	0
Dalwhinnie	Ben Alder Rd		0	0
	Grampian Hotel/W end of School Road	H2	2	0
	Loch Ericht Hotel		0	0
	Loch Ericht Road/ Opp Ben Alder Cottages	H4	0	0
	Post Office		0	0
	North of substation		0	0
	North and East of hall		0	0
	Opp and NW of community Hall	H1	0	0
	Former Hotel	H3	0	0
Dalnain Bridge	Fraser Road		10	0
	Waulkmill/ Adj to A938	H2	8	0
	School Road		0	0
	Rear of Skye of Curr Hotel		0	0
	West of play area	H1	0	0

Kincraig	NE of MacRae Crescent		2	2
	off Suidhe Crescent		8	4
	Opposite primary school	H1	0	0
	East of school	H2	0	0
Nethybridge	Duack Bridge		0	0
	Nethybridge Hotel		10	0
	Former Nursery		0	0
	West of B970	H2 (part)	30	0
	School Road	H2 (part)	4	0
	Craigmore Road	H1	12	0
Other	Insh		0	0
	Lynchat		0	1
	Duthil		0	0
	Windfall large sites			54
Sub total			809	137
Aberdeenshire Council 31st March 2007 - 31st March 2012 (2009 Audit)				
Ballater	Monaltrie Hotel		35	35
	Monaltrie Park	H1	0	0
Braemar	Balnellan Road	H1	20	0
	St Andrews/Fife Brae	H2	30	0
Sub Total			85	35
Moray Council 31st March 2007 - 31st March 2012 (2009 Audit)				
Tomintoul	Conglass Lane (N)	H1	4	2
	Tomnabat Lane	H2	6	2
	Tomnabat Lane (Sth east)	H3	0	0
	Lecht Drive	H4	6	0
	57 Main Street		8	0
Sub Total			24	4
Totals			918	176

Table 2 Footnotes and explanation

1. Information gathered from most up to date published Local Authority Housing Land Audits

- The Highland Council Housing Land Audit (baseline date 31st December 2007)
- Aberdeenshire Council Housing Land Audit (baseline date 1st January 2009)
- The Moray Council Housing Land in Moray (baseline date 1st January 2000)

2. * Site not included in CNP Local Plan and not therefore contributing to the effective housing land supply for this plan.

3. Underlying assumption that there is a need for 950 units (para 5.33).

Table 2 demonstrates that with 176 houses completed since the publication of the previous housing land audits (set out in Table 1) all of which contribute to meeting the need of 950 units, there remains a need of 774 units to be allocated for in this Local Plan. (950-176=774)

Table 3 Current Effective land supply from most up to date housing land audits

Settlement	Site	Site ref in CNPA Local Plan	Effective Supply identified in latest audits less sites not carried forward into CNPA plan
The Highland Council 31st Dec 2007 - 31st Dec 2012 (2007 Audit)			
Aviemore	Aviemore North		40
	Edenkillie		105
	Dalfaber North	H2/H3	80
	Centre lands	H1	90
Grantown on Spey	Seafeld Ave - Beachen Court	H2	15
	Seafeld Ave - Castle Road E	H1 (part)	60
Kingussie	N and E of Dunbarry Road	H1	75
	St Vincents House		4
Newtonmore	Perth Road - Station Road	H1	45
	Perth Road - Laggan Road	H2	30
Boat of Garten	West of Boat of Garten	H1	45
Carrbridge	Dalrachney Lodge		1
	Off Crannick Place	H1 (part)	48
Cromdale	Btw Old Inn and Tom-an-uird View	H1	15
	West Cromdale	H2	15
	Kirk Road		15
Dalwhinnie	Grampian Hotel/W end of School Road	H2	0
	Loch Ericht Road/ Opp Ben Alder Cottages	H4	0
	Opp and NW of community Hall	H1	3
	Former Hotel	H3	9
Dalnain Bridge	Waulkmill/ Adj to A938	H2	10
	West of play area	H1	20
Kincraig	off Suidhe Crescent		5
	Opposite primary school	H1	25
Nethybridge	Nethybridge Hotel		11
	West of B970	H2 (part)	50
	School Road	H2 (part)	above
	Craigmore Road	H1	13
Sub total			829
Aberdeenshire Council 31st March 2007 - 31st March 2012 (2009 Audit)			
Ballater	Monaltrie Park	H1	90
Braemar	Balnellan Road	H1	0
	St Andrews/Fife Brae	H2	30
Sub Total			120

	Moray Council 31st March 2007 - 31st March 2012 (2009 Audit)		
Tomintoul	Conglass Lane (N)	H1	2
	Tomnabat Lane	H2	4
	Tomnabat Lane (Sth east)	H3	0
	Lecht Drive	H4	6
	57 Main Street		8
Sub total			20
Totals			969

Table 3 Footnotes and explanation

1. Information gathered from most up to date published Local Authority Housing Land Audits

- The Highland Council Housing Land Audit (baseline date 31st December 2007)
- Aberdeenshire Council Housing Land Audit (baseline date 1st January 2009)
- The Moray Council Housing Land in Moray (baseline date 1st January 2000)

2. Table 3 excludes those sites identified as * in Table 1 and Table 2 which have not been included in CNP Local Plan.

3. Underlying assumption that there is a need for 774 units (950-176 as set out in Table 2)

Table 3 demonstrates that there is an effective housing land supply identified within the most up to date Housing Land Audits or 969. This meets the 774 units needed with an additional 195 units.

Table 4 Effective Land Supply reflecting Post Inquiry Modifications

Settlement	Site	Site ref in CNPA Local Plan	Effective Supply identified in latest audits less sites not carried forward into CNPA plan	Effective Supply identified in latest audits less sites not carried forward into CNPA plan and those sites removed as result of reporters recommendations
The Highland Council 31st Dec 2007 - 31st Dec 2012 (2007 Audit)				
Aviemore	Aviemore North		40	40
	Edenkillie		105	105
	Dalfaber North	H2/H3	80	80
	Centre lands	H1	90	90
Grantown on Spey	Seafeld Ave - Beachen Court	H2	15	15
	Seafeld Ave - Castle Road E	H1 (part)	60	* 0
Kingussie	N and E of Dunbarry Road	H1	75	75
	St Vincents House		4	4
Newtonmore	Perth Road - Station Road	H1	45	45
	Perth Road - Laggan Road	H2	30	30
Boat of Garten	West of Boat of Garten	H1	45	* 0
Carrbridge	Dalrachney Lodge		1	1
	Off Crannick Place	H1 (part)	48	48
Cromdale	Btw Old Inn and Tom-an-uird View	H1	15	* 0
	West Cromdale	H2	15	* 0
	Kirk Road		15	15
Dalwhinnie	Grampian Hotel/W end of School Road	H2	0	0
	Loch Ericht Road/ Opp Ben Alder Cottages	H4	0	0
	Opp and NW of community Hall	H1	3	3
	Former Hotel	H3	9	9
Dalnain Bridge	Waulkmill/ Adj to A938	H2	10	10
	West of play area	H1	20	20
Kincraig	off Suidhe Crescent		5	5

	Opposite primary school	H1	25	25
Nethybridge	Nethybridge Hotel		11	11
	West of B970	H2 (part)	50	50
	School Road	H2 (part)	above	above
	Craigmore Road	H1	13	13
Sub total			829	695
Aberdeenshire Council 31st March 2007 - 31st March 2012 (2009 Audit)				
Ballater	Monaltrie Park	H1	90	90
Braemar	Balnellan Road	H1	0	0
	St Andrews/Fife Brae	H2	30	30
Sub Total			120	120
Moray Council 31st March 2007 - 31st March 2012				
Tomintoul	Conglass Lane (N)	H1		2
	Tomnabat Lane	H2		4
	Tomnabat Lane (Sth east)	H3		0
	Lecht Drive	H4		6
	57 Main Street			8
Sub Total				20
Totals				835

Table 4 Footnotes and explanation

1. Information gathered from most up to date published Local Authority Housing Land Audits

- The Highland Council Housing Land Audit (baseline date 31st December 2007)
- Aberdeenshire Council Housing Land Audit (baseline date 1st January 2009)
- The Moray Council Housing Land in Moray (baseline date 1st January 2000)

2. Table 4 differentiates between the effective housing land supply established in Table 3 and those sites which are removed as a result of Post Inquiry Modifications. These sites are marked *

3. Underlying assumption that there is a need for 774 units (950-176 as set out in Table 2)

Table 4 demonstrates that there is an effective housing land supply identified within the Local Plan of 835. This meets the requirement to provide for 774 units, with an additional 61 units. These 61 additional units ensure the Local Plan provides an effective housing land supply for a rolling period of five years (rather than a five year supply at the adoption of the plan).

Table 4 forms the basis for all allocations in the Local Plan

Issue	Policy 2 Natura 2000 Sites		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400f(b)
	Scottish Campaign for National Parks		434c
	Mrs Jane Angus		437b
	Alvie & Dalraddy Estate		439d
	The Cairngorms Campaign		448h

Extract from the Reporters Report

Conclusions

8.13 When we review our findings on each of the 3 main issues we conclude that Policy 2 as drafted in the finalised version of the CNPLP meets the strategic objectives of the CNPP 2007 and accords with national and other strategic planning policy guidance. It identifies briefly, sufficiently rigorously, and clearly what sorts of development will, and will not, be permitted within Natura 2000 sites. The associated text, including the manner of its implementation and monitoring is generally soundly based. However, we consider that the manner of implementation and monitoring in this policy will be a severe test of how robust these proposed arrangements are. With that in mind, the text should be adjusted and augmented to take full account of the requirements of NPPG 14. In this regard, we consider that the associated text should:

- refer to the possible need for additional surveys;
- refer to the possible use of legal agreements to supplement planning conditions; and
- make explicit reference to the application of a precautionary principle in instances where scientific evidence is inconclusive and the potential for harm is significant.

However, we consider that the manner of implementation and monitoring in this particular case will be a severe test of how robust these proposed arrangements are.

8.14 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

8.15 Accordingly, subject to the reservations noted above, we recommend that Policy 2 Natura 2000 Sites as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan, but that the associated text should be corrected and augmented as described, to take full account of NPPG 14: Natural Heritage.

Additional Suggestions/Reservations to be addressed

8.4 ... We note in passing here that the CNPLP regularly misquotes the title of these Regulations, but there is no doubt that CNPA is bound to comply with their statutory requirements.

8.7 ... we need do more than remind that CNPA should fully ascertain whether there is any evidence of protected species on a site and what the implications of that might be, before deciding any planning application. CNPA must then satisfy itself that the development is appropriate in the context of the particular value of the Natura 2000 site, before granting any form of planning permission. It might be helpful to developers if this position was explicit in the supporting text for Policy 2, perhaps at the end of paragraph 4.10.

8.10 ... to cover circumstances where that information proves inconclusive, the CNPLP should make explicit reference to the precautionary principle as advised by NPPG 14.

8.11 ... conditions that relate to Natura interests should not be suspensive, i.e. dependant upon some other action. Secondly, it might again help developers if the text were to be augmented with reference to the possible use of legal agreements to supplement conditions and cover matters that could not properly be the subject of planning conditions.

1. CNPA Analysis and comment

1.1 In considering the recommendations of the Reporters, CNPA acknowledges the opinion that the policy as drafted meets the strategic objectives of the CNPP 2007, and that it accords with national and other strategic policy guidance.

1.2 The conclusions regarding the level of detail that should be contained within the policy is welcomed by CNPA. The importance highlighted in implementing and monitoring the policy is noted, and will form part of the ongoing work to assess the effectiveness of the Local Plan once implemented, in preparation for the future work on producing the Local Development Plan.

1.3 To ensure this is highlighted adequately within the policy, CNPA accept the need to amend the text to take full account of NPPG14. However in light of the fact that NPPG14 has now been superseded by SPP we take particular account of para 132 and paras 134-136 of that document.

1.4 Para 132 of SPP states that '*Planning Authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be*

considered. The precautionary principle should not be used to impede development unnecessarily. Where development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.'

1.5 CNPA therefore accept that to better comply with the most recent Scottish Government policy, and to take on board the recommendations of the Reporters, the text will be redrafted to

- refer to the possible need for additional surveys;
- refer to the possible use of legal agreements to supplement planning conditions; and
- make explicit reference to the application of a precautionary principle in instances where scientific evidence is inconclusive and the potential for harm is significant.

1.6 We also note that the Conservation (Natural Habitats, &c) Regulations 1994 has been misquoted. The references will be amended to correct this error.

1.7 CNPA also accepts the need to provide developers with the clearest information on what is required of them under the terms of the policy. As a result the text will be amended to clarify this.

2. CNPA Decision

2.1 Accept recommendation and amend text of Policy and supporting text accordingly.

3. Changes to plan needed to address decision

3.1 Amend the text to take account of the accepted recommendations.

3.2 Renumber policy to reflect deletion of Policy 1.

4.1-4.3 unchanged

Policy 2 | Natura 2000 Sites

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment in accordance with the [Conservation \(Natural Habitats, etc &c.\) Regulations 1994 \(as amended\)](#). Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted 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.

Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Para 4.4 unchanged

4.5 The [Conservation \(Natural Habitats, etc &c.\) Regulations 1994 \(as amended\)](#) place a duty on public bodies to meet the requirements of the EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). Detailed advice on the requirements of the Directive is contained in SED Circular 6/1995 (revised June 2000). The [Habitats Regulations Conservation \(Natural Habitats, etc.\) Regulations 1994](#) require that where a competent authority (either local authority or National Park Authority) concludes that a development proposal is likely to have a significant effect on a Natura 2000 site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. Further guidance on assessment of proposals affecting Natura 2000 sites is set out in [National Planning Policy Guideline 14 Natural Heritage](#) Scottish Planning Policy and Appendix A of Annex E to Circular 6/1995.

Para 4.6-4.7 unchanged

Implementation and Monitoring

4.8 unchanged.

4.9 The precautionary principle should be applied where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered. The precautionary principle should not be used to impede development unnecessarily. Where the development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

4.10 The Planning Authority will consult Scottish Natural Heritage (SNH) for advice on both the need for appropriate assessment, and the specific requirements of individual assessments. When considering the need for an appropriate assessment, and in preparing appropriate assessments, the competent authority will take account of developments outwith the designated areas to assess possible impacts on the designation site. It will also take account of potential cumulative effects of other development proposals on Natura interests including those progressing through the planning system, and other plans and programmes. To assist in this assessment work, developers will be expected to provide the necessary information to allow the assessment to be undertaken by the competent authority. [In the granting of any permission on a site with Natura interests the use of suspensive conditions cannot be used. Developers will be aware that legal agreements may therefore be used to supplement planning conditions to cover matters not properly the subject of planning conditions.](#)

4.11 Policy 2 | applies to development proposals on sites proposed through the Local Plan as well as development proposals on sites not identified in Chapter 7 6 of the Plan. The Local Plan itself must be subject to an appropriate assessment before it can be adopted. The planning

authorities will inform developers of any special requirements resulting from Natura interests or the appropriate assessment of the Local Plan during pre-application discussions or when the need for such requirements are recognised by the authorities. The special requirements could include mitigation measures to avoid effects on Natura interests that would be imposed as conditions on planning consent, or particular information required by the planning authority to undertake an appropriate assessment of the specific development proposal.

4.12 The Planning Authority must fully ascertain where there is any evidence of protected species on a site, and what the implications of that might be, before deciding any planning application. The Planning Authority must then satisfy itself that the development is appropriate in the context of the particular value of the Natura 2000 site, before granting any form of planning permission. Developers should therefore be aware of this position and the implications that this requirement might have on the need to carry out additional research to support any development proposal.

Issue	Policy 3 National Natural Heritage Designations		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	The Proprietors of Mar Centre	Objection refs	394d
	Badenoch & Strathspey Conservation Group		400f(c)
	Alvie & Dalraddy Estate		439e
	Scottish & Southern Energy plc		447b

Extract from the Reporters Report

Conclusions

9.8 When we review our reasoning in the above paragraphs we conclude that Policy 3 as drafted in the finalised version of the CNPLP meets the strategic objectives of the CNPP 2007 and broadly accords with national and other strategic planning policy guidance. However, we have some concerns about the wording of the policy and, accordingly, suggest some adjustments intended to clarify the sorts of development which will, and will not, be permitted within sites benefitting from National Natural Heritage Designations. We find that the associated text which deals with the background and justification for the policy as well as the manner of its implementation and monitoring is soundly based. Any further adjustments should focus on how the enhancement of qualities of equal importance is to be implemented; or, if our suggestion on policy wording is accepted, the rigour with which the term appropriately mitigated is to be interpreted.

9.9 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

9.10 Accordingly, subject to careful consideration of the above reasoning, including our reservations, the discrepancies which we have identified, and our suggested alternative wordings, we recommend that Policy 3 National Natural Heritage Designations along with its associated text, largely as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008, should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

9.4 ... when we look closely at the wording of the policy we find some unexplained discrepancies with the terms of paragraph 25 from NPPG 14.

... we agree that there should be a presumption against development which runs contrary to the reasons for the designation of areas of national importance.

... we find that the relevant wording is clumsy and we suggest the following as an alternative:

- a) *the objectives of designation and the overall integrity of the designated area would not be compromised; or*
- b) *any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.*

1. CNPA Analysis and Comment

1.1 In considering the recommendations of the Reporters, CNPA accept the opinion that the policy supports the strategic objectives of the CNPP 2007, and that it accords broadly with national and other strategic planning guidance.

1.2 However in meeting this requirement we note the suggesting wording. We agree that this suggesting wording for the policy better explains what forms of development will, and will not be permitted under this policy. We therefore accept the suggested wording given in para 9.4 (above).

1.3 The Reporters consider there to be some discrepancies with the terms of para 25 from NPPG14. The policy wording does follow in the main the wording set out in NPPG14 and the changes are as a result of both advice from SNH in drafting the policy through its various modifications, and also to reflect the impact on the policy on the National Park as a whole, as well as those sites listed in para 24 of NPPG14.

1.4 In looking at the at what information is contained within the policy, we agree with the recommendation that the Local Plan is not the appropriate place to provide lists of species and habitats found within the Park area. The level of information provided is acknowledged by the Reporters as helpful. To continue this, and in line with the conclusions made, CNPA accepts that it would be helpful to clarify how the term .mitigated. will be interpreted, and this will be included within the Implementation and Monitoring section of the background text.

2. CNPA Decision

2.1 Accept recommendation to amend the text of the policy and add clarification within the background text regarding the interpretation of the policy.

3. Changes to plan needed to address decision

3.1 Amend the text to take account of the accepted recommendations

3.2 Renumber policy to reflect deletion of Policy 1.

Policy 3 2 National Natural Heritage Designations

Development that would adversely affect the National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that:

~~a) the interests of the designated area and overall integrity of the area would not be compromised; or~~

~~b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and are mitigated by enhancement of qualities of equal importance to the natural heritage designation.~~

a) the objectives of designation and the overall integrity of the designated area would not be compromised; or

b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.

Background and Justification

4.11-4.14 Unchanged

4.15 Map B of Appendix I shows current SSSIs, and NNRs within the National Park. Map C of Appendix I shows the areas covered by the two National Scenic Areas in the National Park. Details of these sites can be obtained from the National Park Authority or directly from Scottish Natural Heritage. Larger scale maps can be viewed online at www.cairngorms.co.uk or made available on request.

Implementation and Monitoring

4.16 This policy protects nationally designated sites from development that would compromise their integrity or objectives, unless the development proposal would have social or economic benefits of national importance. When assessing the potential effects of development proposals on national designations, the planning authority will take account of potential cumulative effects on the designated natural

heritage interests and the impact on habitat networks which link designated sites and are affected by development. In implementing this policy mitigation will be taken to mean the undertaking of measures to prevent or reduce to an acceptable level, the impact of a development. The policy applies to developments affecting these sites, whether or not they are inside or outside the boundary of the designated area.

4.17 The precautionary principle should be applied where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered. The precautionary principle should not be used to impede development unnecessarily. Where the development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

4.18 The policy will be monitored by review of planning consents and refusals for proposals that could affect any of these designations.

Issue	Policy 4 Other Important Natural and Earth Heritage Sites and Interests		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Muir Homes Ltd	Objection refs	038d
	Roy Turnbull		390d
	Woodland Trust Scotland		393c/h
	Badenoch & Strathspey Conservation Group		400f(d)
	Alvie & Dalraddy Estate		439f
	Scottish & Southern Energy plc		447c

Extract from the Reporters Report

Conclusions

10.11 *When we review our reasoning in the above paragraphs we conclude that, with minor adjustment, Policy 4 as drafted in the finalised version of the CNPLP identifies briefly and sufficiently clearly the sorts of development which will, and will not, be permitted within sites identified as being of importance to the wider natural heritage as that is discussed in NPPG 14: Natural Heritage. In particular, the terms of the policy as set out in the finalised version of the plan are sufficient to cover any adverse effect on ancient sites, semi-natural woodland sites and Geological Conservation Review sites. However, we suggest that a comprehensive listing of other nationally, regionally or locally important site(s) should be included in supplementary guidance on how Policy 4 will be implemented.*

10.12 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

10.13 *Accordingly, subject to consideration of the reservations noted above and the preparation of supplementary guidance, we recommend that Policy 4 Other Important Natural and Earth Heritage Sites and Interests and its associated text, largely as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.*

Additional Suggestions/Reservations to be addressed

10.4 *... there should be a presumption against development which runs contrary to the conservation and enhancement of areas within the National Park which are identified as being of special importance to its natural and cultural heritage.*

10.5 *We agree with the objector who has suggested the deletion of the word area in item a) of the policy and its replacement, for continuity, with the word site.*

10.8 *... we suggest that this is one of the policies whose application should be monitored with particular care with the preparation of the forthcoming Local Development Plan in mind.*

10.10 ... it would have been helpful to have reference to any lochs, watercourses and wetlands which fall into these categories along with Local Nature Reserves, Wildlife Sites and any relevant Regionally Important Geological/Geomorphological Sites. With that in mind, we suggest that a comprehensive listing of the sites to which this policy refers be prepared. That, together with some associated text, should be issued as supplementary guidance to prospective developers and other readers of the plan.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters to Policy 4, we welcome support for the presumption against development in support of the strategic aims of the Park. We also welcome support for the previous modification to a) of the policy.

1.2 In terms of the need for wording in Policy 3 and 4 to be similar but differentiating between the nature and extent of the mitigation required, CNPA has already accepted the suggested wording presented by the Reporters for Policy 3. In this we therefore concur with the Reporters that no further change is therefore needed in this regard to Policy 4.

1.3 Regarding the monitoring of this policy, this will form part of the evidence gathering required as part of the production of the Main Issues Report for the Local Development Plan. However CNPA welcome the need for this monitoring and will include in the ongoing monitoring of the plan and all its policies.

1.4 Regarding the implementation of the policy, CNPA do not agree that listing all sites which may be considered under this policy is beneficial. They are simply too varied and numerous. CNPA is committed to providing clarity for the reader, and therefore accept that additional information will be included within the Supplementary Guidance on Natural Heritage. This will highlight the array of sites which may fall under this policy. CNPA is committed to the production of this supplementary planning guidance to assist in the delivery of the Local Plan on adoption.

2. CNPA Decision

2.1 Accept recommendation to include the policy largely as set out in the deposit local plan Modifications (1st and 2nd), with clarification included regarding the production of an indicative list of 'other nationally, regionally or locally important sites' within supplementary guidance.

3. Changes to plan needed to address decision

3.1. Amend the text to take account of the accepted recommendations

3.2 Renumber policy to reflect deletion of Policy 1.

Policy 4 3 Other Important Natural and Earth Heritage Sites and Interests

Policy text unchanged

4.18 -4.19 unchanged

4.20 The Ancient Woodland Inventory records areas of woodland or plantation that are on sites where woodland or plantation was recorded on General Roy's 1750 Maps or the Ordnance Survey's First Edition maps of 1860. The Semi-natural Ancient Woodland Inventory records areas of semi-natural woodland that were present during the 1970s on areas identified by the Ancient Woodland Inventory. Map D of Appendix I shows sites included in the Semi-natural Woodland Inventory and Ancient Woodland Inventory within the National Park. Details of the sites can be obtained from the National Park Authority or directly from Scottish Natural Heritage. There is a recognition that much of this information is desk based data, and the policy will be implemented in a way which allows site inspections and specialist advice to inform the decision making process. [Larger scale maps can be viewed online at www.cairngorms.co.uk or made available on request.](#)

4.21 A number of sites within the Cairngorms National Park are considered to be nationally important because of their geology or geomorphology and have been recorded through the Geological Conservation Review (GCR). GCR sites are intended to highlight the best examples of a range of geological and geomorphological features in the UK. Some GCR sites are designated as geological Sites of Special Scientific Interest, or form parts of other SSSIs. [Larger scale maps can be viewed online at www.cairngorms.co.uk or made available on request.](#)

4.22 In addition to these national records and inventories of sites, local authorities, NGOs and other organisations recognise a range of sites that have natural heritage interest or importance. These may include non-statutory Nature Reserves and Sites of Interest to Natural Science (SINS) in Aberdeenshire and Moray. [Larger scale maps can be viewed online at www.cairngorms.co.uk or made available on request.](#)

Implementation and Monitoring

4.23 This policy is intended to prevent loss of nationally, regionally or locally important natural or earth heritage sites that are not afforded special protection by designation. However, some of these identified areas would not pass the rigorous assessment process to become designated sites and hence they are not all equally important examples or sensitive sites. When making decisions on proposals that would affect these sites, the planning authority will take into account the quality of the interests of the site and its contribution to the wider network of sites in addition to the direct effects of the development proposal. [Supplementary planning guidance will be produced which will assist in the implementation of this policy.](#)

4.24 - 4.25 unchanged

Issue	Policy 5 Protected Species		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400f(e)
Procedure	Written submissions		
Objectors	Mrs Jane Angus	Objection refs	437c
	Alvie & Dalraddy Estate		439g

Extract from the Reporters Report

Conclusions

11.7 When we review our reasoning and findings set out above, we conclude that Policy 5, as drafted in the finalised version of the CNPLP, meets the strategic objectives of the CNPP 2007 and accords generally with relevant national and other strategic planning policy guidance. The policy identifies sufficiently clearly the nature and extent of the protection from development that will be afforded to species that have specific legal protection. Lastly, we have no reason to suppose that the implementation of Policy 5 would diminish the role of other applicable layers of protection, or that it would weaken unacceptably the overall integrity and connectivity of the ecosystems of the Park.

11.8 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

11.9 Accordingly, we recommend that Policy 5 Protected Species as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and its associated text should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

None

1. CNPA Analysis and Comment

1.1 When we consider the recommendations of the Reporters we acknowledge that the policy as draft meets the strategic objectives of the CNPP 2007, and accords with national and other strategic planning policy guidance.

1.2 We also acknowledge and support the conclusion of the Reporters that when read with Policy 6, the two policies provide appropriate levels of protection.

2. CNPA Decision

2.1 Accept the recommendation to take the policy forward into the adopted Local Plan without the need for further change or modification.

3. Changes to plan needed to address decision

3.1 Renumber policy to reflect deletion of Policy 1.

Policy 5 4 Protected Species
Policy text unchanged

Supporting text unchanged

Issue	Policy 6 Biodiversity		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020d
	Muir Homes Ltd		038e
	Scottish Campaign for National Parks		434d
	Alvie & Dalraddy Estate		439h

Extract from the Reporters Report

Conclusions

12.10 *When we review our reasoning and findings set out above, we conclude that Policy 6, as drafted in the finalised version of the CNPLP, meets the strategic objectives of the CNPP 2007 and accords generally with relevant national and other strategic planning policy guidance. The policy identifies sufficiently clearly the nature and extent of the protection from development that will be afforded to species not afforded specific legal protection. Rigorous implementation of the policy as drafted will ensure that development does not weaken unacceptably the overall integrity and connectivity of the ecosystems of the Park.*

12.11 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

12.12 *Accordingly, subject to consideration of our reservations, we recommend that Policy 6 Biodiversity as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 along with its associated text should be taken forward into the adopted local plan.*

Additional Suggestions/Reservations to be addressed

12.5 *... there should be a presumption against development which would adversely affect species important to the biodiversity and ecosystems of the Park.*

12.8 *... the reference to European Protected Species in the supporting text of this policy may be redundant.*

1. CNPA Analysis and Comment

1.1 In considering the recommendations of the Reporters in regard to Policy 6, the support for a presumption against development which would adversely affect species important to the biodiversity and ecosystems of the Park is welcomed. Equally the support for the clarity of the wording is also welcomed.

1.2 In respect of the reference to European Protected Species, in reviewing the reference, CNPA agree with the reporters that the wording is redundant as this is clearly dealt with in the previous policy.

1.3 In respect of the biodiversity interests found on any given site, we agree with the Reporters that CNPA should have ready access to professional skills required to judge the quality of work undertaken by, or for, a developer, rather than carrying out the work itself. Within the staff, and through our partner organisations we have access to this level of skill, and support for this approach is welcomed.

1.4 Monitoring of the implementation of this policy will also form part of the evidence base for the development of the Main Issues Report for the Local Development Plan, and the need for rigorous monitoring as highlighted in the recommendations is noted.

2. CNPA Decision

2.1 Accept recommendation to take forward Policy 6 into the adopted plan, subject to the minor reservations highlighted.

3. Changes to plan needed to address decision

3.1 Amend the text to remove redundant text.

3.2 Renumber policy to reflect deletion of Policy 1.

Policy 6 5 Biodiversity

Policy text unchanged

Paras 4.29- 4.31 unchanged

Implementation and monitoring

4.32 This policy is intended to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the Cairngorms National Park. The planning authority will assess the direct, indirect and cumulative effects of development proposals on habitats, networks and species. ~~If there is evidence to suggest that a European Protected Species may be present on a site, any such presence and any likely effects on the species shall be fully ascertained prior to the determination of the planning application.~~

Para 4.33 - 4.36 unchanged

Issue	Policy 7 Landscape		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400f(g)
	Scottish & Southern Energy plc		447d
Procedure	Written submissions		
Objectors	Mrs Sally Spencer	Objection refs	017c
	Dr A Watson		020e
	The Mountaineering Council of Scotland		024f
	Frogmore Estates Scotland Ltd		026b/c
	Muir Homes		038f
	Mr Roger Tozer		098b
	The Proprietors of Mar Centre		394e
	Scottish Campaign for National Parks		434e
	North East Mountain Trust		443c
	The Cairngorms Campaign		448c
	Glenmore Properties Ltd		453d
	Reidhaven Estate		456s
	Novera Energy plc		486a
	Mr Victor Jordan		537b

Extract from the Reporters Report

Conclusions

13.30 When we review our findings in the above paragraphs we conclude that: Policy 7, as it appears in the finalised version of the emerging local plan, is not incompatible with the strategic objectives of the CNPP 2007 or with relevant national planning policy guidance. However, we suggest that some further adjustments to the deposit version would assist in underpinning its justification and making it more logical, clear and positive in its intention. Our suggestions provide criteria that are simply expressed and assist in its interpretation. They relegate from the policy matters which are more properly dealt with in a revised text which should set out exactly how the policy will be implemented and what is expected to be brought forward at pre-application discussions.

13.31 We have further concerns about the implementation of the policy and, in particular, in the manner in which it is intended to deal with matters of important detail only through reference to the terms of the CNPP 2007 and the generality of the wording of Policy 7. These include: the treatment of wildness in the montane area and other parts of the Park; the treatment of light pollution in general, but particularly in areas currently characterised by “dark night skies”; and failure to make any specific reference to the impact on the landscape of vehicular access, tracks and bridges notably in montane and other relatively remote areas.

13.32 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

13.33 Accordingly, we recommend that the wording of Policy 7 Landscape as it appears in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be deleted and we suggest that it could be replaced with wording along the lines set out above. We recommend also that a thorough review should be undertaken of the text associated with Policy 7 and, in particular, that which deals with implementation, all before the local plan is progressed to adoption. This review should take account of the discrepancies and areas of clarification that we have identified, the need for supplementary guidance, and the additional subject areas that we have identified, i.e. the treatment of wildness in the montane area and other parts of the Park; the treatment of light pollution in general, but particularly in areas currently characterised by “dark night skies”; and failure to make any specific reference to the impact on the landscape of vehicular access, tracks and bridges notably in montane and other relatively remote areas.

Additional Suggestions/Reservations to be addressed

13.15 Before moving on from the drafting of the first paragraph of the policy, we must address a further concern. We find that the sentence which states Such positive enhancement will be sought in all development proposals could with benefit be relegated to the associated text which describes how the policy will be implemented.

13.21 ... we set out below our suggestion for a revised wording for Policy 7, which we consider ensures that appropriate account is taken of the aims of the Park, the strategic objectives of CNPP 2007, together with national and local planning policy, and other material considerations.

There will be a presumption against any development that does not complement and enhance the landscape character of the Park and, in particular, the setting of the proposed development.

For the purposes of this policy the landscape character of the Park includes its distinctive landscape features, scenic qualities, natural beauty, amenity, historic landscapes and qualities of wildness.

Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:

- a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
- b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction all to the satisfaction of the planning authority.

13.23 ... the inclusion of other strategic objectives is redundant. Further, in the interest of brevity and clarity, we suggest that the last sentence of paragraph 4.37 and the whole of paragraph 4.38 are redundant and should be deleted from the text.

13.28 ... CNPA should review again the contribution which all of its relevant policies, including Policy 18 Design Standards for Development, can make to help minimise light pollution and maintain the extent and the quality of its dark night skies. We suggest that the forthcoming Sustainable Design Guide may be an appropriate way to move this matter forward.

1. CNPA Analysis and Comment

1.1 In considering the recommendations of the reporters in regard to Policy 7, the analysis must be taken under the various parts of those recommendations,

- replace the text of the policy with that suggested by the reporters
- review of the supporting text taking account of the discrepancies and areas of clarification identified
- supplementary guidance
- additional subject areas to be addressed – dark night skies and vehicular access, tracks and bridges notably in montane and other relatively remote area

1.2 CNPA welcomes the findings of the reporters that the policy as drafted does meet the strategic objectives of the CNPP 2007 and that it accords generally with relevant national and other strategic planning policy. The Reporters also find that the whole of the Cairngorms National Park must be treated as a national designation. CNPA welcome and support this finding, and feel that there is merit in adding this clarity to the background text of the policy, to clarify to the reader that this is the case. Along with this CNPA also welcomes the finding that, with the CNPP 2007 in mind, there is no scope for a local plan policy which supports development that has even a minimal or neutral impact on the landscape.

1.3 The Reporters have suggested wording to replace the text of the policy. This wording takes into account the aims of the Park, the strategic objectives of the CNPP 2007 and national and local planning policies and other material considerations. In considering this replacement wording the Reporters have firstly included a presumption against any development that does not support the strategic objectives of the CNPP 2007. In previous assessments to the recommendations, CNPA has accepted that this is a good premise on which to start policies devised to contribute to the strategic objective relating to conservation and enhancement of the Park.

1.4 The proposed wording then goes on to define landscape character. In this the Reporters separated out a definition, and CNPA accepts that is useful to the reader to provide such a definition clearly. In the absence of the yet to be produced Landscape Character Assessment, CNPA agrees that this definition provides clarity for the reader. However, as with other definitions within the Plan, CNPA considers that the policy text is not the appropriate position for this information. The definition provides additional information rather than any criteria against which development proposals would be assessed. As such CNPA considers this definition should be included within the supporting text to the policy. The Reporters do acknowledge this as a possible option at paragraph 13.22.

1.5 The third paragraph of the proposed wording sets out the criteria that would be used to assess those proposals that do not complement and enhance the

landscape character of the Park. Within this the Reporters return to their findings that the whole of the National Park must be treated as a National Scenic Area, and to NPPG14. These conclude that significant adverse effects on any part of the landscape of the National Park can only be outweighed by social and economic benefit of national importance. CNPA agrees with the approach to view the National Park as a national designation. In the assessment of the need for an alternative solution, CNPA acknowledges the Reporters agreement that applicants should consider alternatives, and that this should be demonstrated as part of good planning practice. CNPA accepts therefore that the text relating to the consideration of alternatives should be relegated to the supporting text. The applicant will then be expected to present the alternatives that have been considered, and this would then be available for consideration in the decision making process.

1.6 In terms of the treatment of adverse effects, CNPA accepts the need to minimise the effects of the development on the landscape. The policy does relate to landscape and as a result CNPA agrees that it is appropriate to clarify this in the wording of the text.

1.7 In total therefore, CNPA accepts the alternative wording suggested by the Reporters for the reasons set out above. CNPA acknowledges the comment from the Reporters that the policy will require careful assessment and mature judgement in its implementation, and the need to satisfy the planning authority therefore provides appropriate clarity.

1.8 In looking at the background text to the policy, CNPA accepts that while the policy may be relevant to other strategic objectives of the CNPP 2007, the policy is justified by the landscape objectives. CNPA agree therefore that the inclusion of the other objectives is therefore redundant. Also in the interests of brevity, the CNPA accept the deletion of the last sentence of 4.37 and para 4.38. The information provided in these sections does not add to the understanding of how the policy will be used, nor does it provide any justification for the policy.

1.9 The reporters then consider additional subject areas that the policy could consider. They look at wildness and the protection of the montane and other areas of the Park. CNPA accept the direction given by the CNPP 2007 provides a powerful reason for protecting these areas and the Authority has commenced work to define and map wild land. This research will be used to inform the Local Development Plan, and the CNPA welcomes the acceptance of the reporters that this is an appropriate course of action. In the mean time CNPA will use Policy 7 to assess proposals which affect these areas.

1.10 Going on to consider the impact of light pollution, CNPA agree that the CNPP 2007 provides some justification for the particular consideration of this issue. The CNPP2007 recognises the Park as being one of the best areas in the UK for dark night skies and CNPA is committed to the implementation of the CNPP2007 and its objectives. While CNPA consider it appropriate to refer to dark night skies and the protection of them within this policy, the Authority accept the reservations expressed by the Reporters. As a way of addressing this, and to provide developers and applicants additional clarity on the CNPA expectations regarding light pollution, the topic will be included within the forthcoming Sustainable Design Guide. The

Reporters recognise this as an appropriate course of action, and CNPA will fully consult on this design guide prior to the adoption of the Local Plan.

1.11 Finally the Reporters express surprise that there is no specific reference to tracks, paths and bridges, roads, and motorised access. CNPA accept that this is specifically referred to in CNPP 2007 strategic objective associated with wildness. The Reporters, later in their report accept that there are policies within the local plan to deal with these matters. They suggest the application of this approach would be cumbersome, and CNPA accept that this may be the case for the limited number of proposals it receives for this form of development. CNPA does however accept that the issue as an important one which must be adequately addressed by the Authority. The issue is however a complex one, and one which produces divergent views from interested parties. CNPA therefore have reservations about including an additional policy at this late stage in the plan making process. The research referred to above looking at wildland will be used to inform further work specifically looking at this topic, and the Authority will assess the need to raise this as a main issue within the first stage of the development of the Local Development Plan. Any new policy to be included within the next plan will then be subject to full consultation with the widest stakeholder involvement. In the event that the first stages of work on this flags up the need to take more immediate action, CNPA will move forward supplementary guidance to support the Local Plan. This may form part of the ongoing work to produce supplementary guidance on wildness.

2. CNPA Decision

2.1 Accept the need to replace the text of the policy with that suggested, with the exception of the definition of landscape character, which will be placed in the supporting text.

2.2 Accept the need to amend the supporting text to clarify the strategic objectives of the CNPP 2007 which the policy supports. Also consider there to be merit in clarifying the finding that the whole of the Cairngorms National Park must be treated as a national designation.

2.3 Accept the need for supplementary guidance to clarify the position on wildness and include this within the Local Development Plan.

2.4 Accept the need to include the consideration of dark night skies within the Sustainable Design Guide.

2.5 Accept the need to carry out more work on access tracks and bridges notably in montane and other relatively remote area.

2.6 However CNPA do not accept the need to include this at this late stage in the process, and will cover this in the work to prepare the Local Development Plan, with the commitment to produce supplementary guidance to support this plan should the initial stages of work find this to be an appropriate course of action.

3. Changes to plan needed to address decision

- 3.1 Amend the policy text and supporting text to reflect the suggested wording given.
- 3.2 Renumber policy to reflect deletion of Policy 1.

Policy 7 Landscape

~~There will be a presumption against development that does not make a positive contribution to the landscape character of the National Park by virtue of its location, siting and design. Such positive enhancement will be sought in all development proposals.~~

~~Development that would have a significant adverse effect on the landscape character of the Park, including its distinctive landscape features, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where:~~

- ~~a) there is no alternative solution; and~~
- ~~b) where the adverse effects have been minimised and mitigated to the satisfaction of the planning authority through appropriate siting, layout, design and construction.~~

Policy 6 Landscape

There will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular, the setting of the proposed development.

Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:

- a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
- b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction all to the satisfaction of the planning authority.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Cultural Environment
- ~~Air~~
- Biodiversity
- Geodiversity
- ~~Forest and Woodland Management~~
- ~~Moorland Management~~

4.37 The diverse and spectacular landscapes of the Cairngorms National Park are one of the area's key

assets and the distinctive character of the Park's landscape is one of the reasons for the creation of the Park itself. The designated area as a whole must be treated as a national designation to ensure any development occurs in a way which reflects the designation as a National Park, and to ensure also that it meets the terms of the National Park Plan. ~~A balance of landforms formed over hundreds of thousands or millions of years with more recent human influence, the resulting landscape is of primary importance to the area as a National Park.~~

~~4.38 The landscapes of the Park are attractive because of the mixture of spectacular landforms, mosaics of semi-natural and man-made habitats and the sum of the patterns and buildings of human development. In some parts of the Park, only the most recent human activities are obvious in the landscape, but in many parts of the Park, the patterns of past human activity have left a clear imprint on the landscape~~

4.39 text unchanged.

Implementation and Monitoring

4.40 -4.44 text unchanged

4.45 In implementing this policy, the landscape character of the Park includes its distinctive landscape features, scenic qualities, natural beauty, amenity, historic landscapes and qualities of wildness.

4.456 The policy will be monitored by review of planning permissions and assessment of individual and cumulative effects of development on the landscape.

Issue	Policy 9 Archaeology		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	North East Mountain Trust	Objection refs	443d
	The Cairngorms Campaign		448d

Extract from the Reporters Report

Conclusions

14.8 When we review our findings we conclude that Policy 9 as drafted in the finalised version of the CNPLP, meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy guidance. It identifies adequately the sorts of development which will, and will not, be permitted. Subject to the corrections required, which include the references to SPP 23 Planning and the Historic Environment and PAN 42: Archaeology there is no need for further adjustments to the associated text.

14.9 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

14.10 Accordingly, subject to the reservations noted above that include changes to take new and replacement national policies into account and attention to the protection of military roads, we recommend that Policy 9 Archaeology as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

14.4 ... we note the following incorrect references in the wording of Policy 9 and in the associated text:

- NPPG 5: Planning and Archaeology was withdrawn in October 2008;
- PAN 45 in the text should in fact be PAN 42 as described above; and
- Reference to Scheduled Ancient Monuments should be replaced with Scheduled Monuments, to accord with the Ancient Monuments and Archaeological Areas Act 1979.

14.6 In looking at the third issue, we note that the background text has been modified to include reference to where, it is stated, additional information may be found regarding sites, and to include reference to Scottish Government guidance which may also be taken into consideration when assessing a proposal for development. Those latter references should be deleted and replaced by references to SPP 23 and the advice provided by the associated PAN 42. We further consider that it would be worth reviewing all of Policy 9 and the associated text as it relates to Scheduled Monuments, in the light of Historic Scotland's recently issued Scottish

Historic Environment Policy. That policy has now replaced the Memorandum of Guidance on Listed Buildings and Conservation Areas.

14.7 ... Given the historical importance of military roads, we agree with the objector that they are worthy of specific mention in the local plan. We note that CNPA has considered the nature of protection to be afforded to such undesignated routes; and we agree that the appropriate place for a reference is in the supporting text for Policy 12: The Local and Wider Cultural Heritage of the Park rather than in the supporting text for Policy 9. We suggest that the concern has been addressed satisfactorily by the reference to military roads at paragraph 4.69 of the finalised version of the CNPLP.

1. CNPA Analysis and Comment

1.1 In considering the recommendations of the Reporters in regard to Policy 9, we welcome the conclusion that the policy meets the strategic objectives of the CNPP 2007 and accords with national and other strategic planning policy guidance. We also note and accept the references given should be correct, and the most up to date available. The text will therefore be amended to reflect this.

1.2 In making these changes, the policy has been checked against the latest policy guidance provided in Scottish Historic Environment Policy produced by Historic Scotland in 2009, and in particular Annex 6 thereof. Of particular note is the need to preserve an appropriate setting for the scheduled monument, and the wording of the policy ensures this.

1.3 With reference to military roads, we welcome the support from the Reporters to the need to mention the nature of protection afforded to them. CNPA continues to conclude the most appropriate place for this within the local plan is within the policy relating to The Local and Wider Cultural Heritage, and the agreement from the Reporters is welcomed.

2. CNPA Decisions

2.1 Accept recommendation to take forward Policy 9 into the adopted plan, subject to changing the references within the supporting text to reflect the most up to date guidance.

3. Changes to plan needed to address decision

3.1 Amend the supporting text to remove redundant references and replace with up to date information

3.2 Renumber policy to reflect deletion of Policy 1.

Policy 9 8 Archaeology

There will be a presumption in favour of preserving in situ Scheduled ~~Ancient~~ Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.

All other archaeological resources will be preserved in situ wherever feasible. The planning authority will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological appraisal prior to determination of the planning application. Where the case for preservation does not prevail, the developer will be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

Implementation and Monitoring

4.54 Planning authorities will take into account the potential effect of development proposals on all known archaeological sites in making decisions. They will follow the guidance of SPP, ~~NPPG5, which recognises that not all remains are of equal importance, and will consider the various categories of archaeological remains (as described in NPPG 5);~~ Planning Advice Note 45 42 , Scottish Historic Environment Policy (SHEP, 2009) and any other relevant national guidance, as well as specialist archaeological advice as appropriate.

4.55 unchanged

4.52 unchanged

4.53 All of these sites, whether scheduled or not, are fragile and irreplaceable. It is important that the setting of archaeological sites is safeguarded in addition to their physical integrity. ~~National Planning Policy Guideline 5: Planning and Archaeology (NPPG 5) states that planning authorities should ensure that archaeological factors are as thoroughly considered as any other material factor in both the development planning and the development control processes.~~ SPP states that where planning permissions is required for works to a scheduled monument, the protection of the monument and its setting are important considerations. Development which will have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.

Issue	Policy 11 Conservation Areas		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	North East Mountain Trust	Objection refs	443e
	The Cairngorms Campaign		448e
	Glenmore Properties Ltd		453e

Extract from the Reporters Report

Conclusions

15.11 When we review our findings on the main issues we conclude that Policy 11, as drafted in the finalised version of the CNPLP meets the strategic objectives of the CNPP 2007 and accords with the relevant statutory requirements and national planning policy guidance. Although we have a preference for the model policy on conservation areas to be found at Annex A of SPP 23, we find that Policy 11 identifies sufficiently clearly the sorts of development which will, and will not, be permitted in designated Conservation Areas within the National Park. The associated text, which deals with the background and justification for the policy as well as the manner of its implementation and monitoring, requires further attention at paragraphs 4.64 and 4.65.

15.12 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

15.13 Accordingly, subject to review of the merits of adopting the model policy, to changes to take new and replacement national policies into account, attention to the protection of planned villages, and our reservations about paragraph 4.64 and paragraph 4.65 of the supporting text, we recommend that Policy 11 Conservation Areas as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

15.8 ... we recommend that paragraph 4.65 on implementation be redrafted, following consultation with Historic Scotland. The reference to NPPG 18 should be deleted because it was withdrawn in October 2008 and replaced by SPP 23. In addition, the policy and its associated text should be reviewed in the light of Historic Scotland's recently issued Scottish Historic Environment Policy. That policy has now replaced the Memorandum of Guidance on Listed Buildings and Conservation Areas.

15.9 ... there is no doubt that the planned villages of Scotland are of national cultural and historical interest. ... CNPA proposes that planned villages should be referred to in the supporting text at paragraph 4.64 of the finalised plan ... However, we are uncomfortable with placing the reference to planned villages in that paragraph because these village centres are not part of designated conservation areas. Accordingly, until they have the benefit of that designation we consider that

the appropriate place to draw attention to their particular qualities is within the supporting text to Policy 12: The Local and Wider Cultural Heritage of the Park at paragraph 4.69 of the finalised version of the CNPLP.

1. CNPA Analysis and Comment

1.1 In reviewing the recommendations made regarding Policy 11, we note the Government Reporters to use the model policy. The model policy is included within the now superseded SPP23 in annex a. The policy as drafted in the Deposit Local Plan as modified has taken account of the model policy, but, while following the approach which is acceptable, has worded the policy in a way to reflect the particular approach to policy development used within the National Park. We note the Reporters conclusion that the Policy is drafted in a way to allow for a consistent framework for development of proposals and for the adequate assessment of applications which fall within designated conservation areas and identifies sufficiently clearly the sorts of development which will, and will not, be permitted in designated Conservation Areas within the National Park. Given that we are not minded to follow the model policy (which is now superseded in any event) but rather remain of the view that the policy as drafted meets the requirements of a policy within a National Park Local Plan.

1.2 In looking at the implementation of the policy, the references to outdated guidance is accepted and the wording will be amended to reflect the most up to date legislation and guidance. This will ensure accurate reference is made to SHEP 2009 which will guide the implementation of the policy.

1.3 The importance of planned villages is noted and welcomed. While CNPA had included the reference to those planned villages which as yet remain undesignated, within the policy relating to conservation areas, we accept that this may result in confusion on the part of the reader. We therefore accept that the best place to include this reference is within Policy 12: The Local and Wider Cultural Heritage of the Park at para 4.69. The text will be amended accordingly.

2. CNPA Decision

2.1 Accept recommendation to take forward Policy 11 into the adopted plan, subject to changing the references within the supporting text to reflect the most up to date guidance and revising the text regarding implementation. The reference to planned villages will also be moved from Policy 11 to Policy 12.

3. Changes to plan needed to address decision

3.1 Amend the supporting text to remove redundant references and replace with up to date information.

3.2 Revise the paragraph relating to implementation.

3.3 Replace the reference to planned villages into Policy 12

3.4 Renumber policy to reflect deletion of Policy 1.

Policy 10 Conservation Areas

Policy text unchanged

Para 4.62-4.63 unchanged

4.64 There are four designated conservation areas in the Cairngorms National Park, at Ballater, Braemar, Inverey and Grantown-on-Spey. ~~The village centres of Tomintoul, Kingussie and Newtonmore are also of historic and architectural interest.~~ The Cairngorms National Park Authority will work with the 4 local authorities to consider and consult on proposals for the designation of conservation areas in other locations in the future.

Implementation and Monitoring

4.65 The policy will be implemented through full consideration by the planning authorities of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning etc (Scotland) Act 2006, ~~National Planning Policy Guideline 18, The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and the SHEP series.~~ Scottish Planning Policy, and Scottish Historic Environment Policy 2009.

4.66 – 4.68 unchanged

Issue	Policy 12 The Local and Wider Cultural Heritage of the Park		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Dunachton Estate	Objection refs	418b
	The Crown Estate		419b

Extract from the Reporters Report

Conclusions

16.7 When we review our findings on the main issues we conclude that Policy 12, as drafted in the finalised version of the CNPLP meets the strategic objectives of the CNPP 2007 and accords with the relevant statutory requirements and national planning policy guidance. The policy is expressed in broad terms, and it identifies sufficiently clearly the sorts of development which will, and will not, be permitted in the National Park. However, we consider that the emphasis of Policy 12 should be changed to a presumption against development other than in the specified circumstances. Although we find that the intended modifications to the associated text address satisfactorily the concerns of the objectors we suggest that paragraph 4.69 of the text should be altered to reflect the importance of planned villages to the cultural heritage of the Park.

16.8 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

16.9 Accordingly, subject to our suggestion about the wording and emphasis of the policy and to the incorporation of a reference to planned villages in paragraph 4.69 of the associated text, we recommend that Policy 12 The Local and Wider Cultural Heritage of the Park as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

16.5 ... we have a strong preference for framing the policy in such a way that it presumes against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting.

16.6 ... we consider that a reference to planned villages should be incorporated into paragraph 4.69.

1. CNPA Analysis and Comment

1.1 In considering the recommendations of the Reporters on Policy 12, CNPA welcomes the support for the policy in general terms, and also for the recognition that this policy is integral to the suite of policies that addresses cultural and historic matters associated with the built environment.

1.2 CNPA also welcomes the recognition that the policy is compatible with national planning guidance. However we note the preference to frame the policy to presume against development. CNPA has accepted this as being an appropriate way of framing policies to delivery the strategic objectives of the CNPP 2007 in the best way. The policy will be changed accordingly.

1.3 In line with CNPA acceptance of the issue relating to planned villages under Policy 11 the background text to this policy will be amended accordingly.

2. CNPA Decision

2.1 Accept recommendation to take forward Policy 12 into the adopted plan, subject to changing the way in which the policy is framed to presume against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting. The reference to planned villages will also be moved from Policy 11 to Policy 12.

3. Changes to plan needed to address decision

3.1 Amend the 1st paragraph of the policy to reflect a presumption against development which does not protect.

3.2 Amend the supporting text to remove redundant references and replace with up to date information.

3.3 Revise the paragraph relating to implementation.

3.4 Replace the reference to planned villages into Policy 12

3.5 Renumber policy to reflect deletion of Policy 1.

Policy 12 The Local and Wider Cultural Heritage of the Park

There will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting.

~~Development that seeks to protect, conserve or enhance a site, feature or use of land of local or wider cultural or historic significance or its setting will be supported.~~

Any development that would adversely affect a site, feature, or use of land of local or wider cultural or historic significance or its setting, will take reasonable measures to avoid, minimise and mitigate those effects.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Culture and Traditions

4.69 The National Parks (Scotland) Act 2000 defines cultural heritage as including “*structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes.*” The National Park contains many such examples that are not yet protected by designation or recorded systematically or officially. These include features such as military roads, wells, caves, trees and in particular heritage and veteran trees, traditional places of recreation or meeting, traditional or vernacular architecture, ruins or places mentioned in folklore or local history. [Planned villages including Tomintoul, Kingussie and Newtonmore](#) are also of historic and architectural interest. They clearly contribute to the cultural heritage of the Park and should be taken into account in planning decisions.

Implementation and Monitoring

4.70 – 4.73 text unchanged

Issue	Policy 13 Water Resources		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400j
	Jane Angus		437g
	B Garrow		464b
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020f
	DW & IM Duncan		037c
	James & Evelyn Sunley		056h
	Ballater & Crathie Community Council		091f
	Scottish Campaign for National Parks		434f
	Alvie & Dalraddy Estate		439k
	The Cairngorms Campaign		448i

Extract from the Reporters Report

Conclusions

17.14 When we review our reasoning in the above paragraphs we conclude that Policy 13 can be drafted to meets the strategic objectives of the CNPP 2007 and accord with other statutory requirements and national planning policy guidance. However, we are concerned that successive drafts from the deposit version onwards do not meet the standards to be expected in the drafting of local plan policy. In particular, Policy 13 does not identify sufficiently briefly and clearly the sorts of development which will, and will not, be permitted. With that in mind attention should be given to those matters which should properly appear in the policy itself and those which could usefully be relegated to the associated text which deals with the manner in which the policy will be implemented, or to the glossary. Following on from that, consideration should be given to the issue of supplementary guidance for the benefit of prospective developers and to avoid burdening the CNPLP with such considerable detail.

17.15 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

17.16 Accordingly, we recommend that Policy 13 Water Resources as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and its associated text should be redrafted to take account of our reservations and suggestions set out above, before it is taken forward into the adopted local plan. This will include consideration of our suggested alternative wording, our recommended text changes, and the preparation of supplementary guidance.

Additional Suggestions/Reservations to be addressed

17.6 ... *end the water environment is widely defined to encompass the water quality, quantity, hydrology, hydromorphology and aquatic ecology of water bodies, river systems wetlands and groundwater (paragraph 4.77).*

17.7 ... *we would prefer to see the definition incorporated into the local plan glossary*

17.12 ... *we recommend that the wording of Policy 13 be amended so that it emerges as a criteria based policy prefaced by a clear presumption against any development which would run contrary to conserving and enhancing the Park and meeting its strategic objectives for water. We suggest that consideration be given to redrafting the policy along the following lines:*

There will be a presumption against development which does not meet all of the following criteria in the use of resources:

- 1) minimise the use of treated and abstracted water;*
- 2) not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status;*
- 3) treat surface water and foul water discharge separately and in accordance with SUDS Manual Ciria C697;*
- 4) have no significant adverse impact on existing or private water supplies or wastewater treatment services.*

There will be a presumption against development which does not meet all of the following criteria relating to flooding:

- 1) be free from significant risk of flooding;*
- 2) not increase the risk of flooding elsewhere;*
- 3) not add to the area of land that requires flood prevention measures;*
- 4) not affect the ability of the functional floodplain to store or move flood waters.*

Note: Development in areas susceptible to flooding will require a developer-funded flood risk assessment carried out by a suitably qualified professional.

There will be a presumption against development which is not connected to the public sewerage network unless:

- 1)*

17.13 ... *noting minor inaccuracies in describing the legislative detail ... we consider that this policy is a suitable candidate for supplementary guidance.*

1. CNPA Analysis and Comment

1.1 In considering the recommendations made regarding Policy 13 Water Resources, CNPA welcomes the recognition that the policy supports the strategic

objectives in the CNPP 2007 and, with some amendment, will be able to meet the requirements of national planning policy.

1.2 In the interests of clarity, the reporters seek the inclusion of a definition of water environment. CNPA has already accepted the need to improve clarity throughout the plan, and welcomes this suggestion. The appropriate change will be made to the glossary.

1.3 In looking at the policy wording, the Reporters suggest amended wording. This changes the policy to a criteria based one, prefaced by a clear presumption against any development which would run contrary to conserving and enhancing the Park. and meeting its strategic objectives for water. CNPA agree that the use of criteria improved clarity for the reader, and has already agreed that it is committed to providing clarity throughout the plan. The presumption against development is in line with the recommendations made previously which have been accepted by CNPA, in relation to policies to conserve and enhance the Park. CNPA therefore accept the suggested wording, and the appropriate amendments will be made to the policy text.

1.4 In association with these changes the inaccuracies highlighted in the supporting text will also be rectified. In looking in more detail at the background text the Reporters see no need to mention headwaters, and as proposed in the 2nd modifications, that the first 2 sentences of para 4.74 should be deleted. CNPA is in agreement that the background text should be limited to those matters pertaining to the justification for the policy. The changes are therefore accepted.

1.5 CNPA accepts that the policy covers many complex matters relating to water, and in the interests of assisting the reader, accept the need to produce supplementary guidance on the topic. This work will be commenced immediately to ensure it is completed by the time the plan is adopted.

2. CNPA Decision

2.1 Accept need to amend the text of the policy to set out the criteria against which applications will be assessed, prefaced by a presumption against development which would run contrary to the strategic objectives of the CNPP 2007.

2.2 Accept the need to amend the background text to correct inaccuracies, delete matters which are irrelevant to the policy, and streamline the wording to include definitions within the glossary.

2.3 Accept the need to produce Supplementary guidance on the topic and commence work immediately on this.

3. Changes to plan needed to address decision

3.1 Amend the text of the policy to follow the suggested wording provided by the Reporters.

3.2 Amend the background text to correct inaccuracies, delete matters which are irrelevant to the policy, and streamline the wording to include definitions within the glossary.

3.3 Renumber policy to reflect changes to other Policy numbers

Policy 13 12 Water Resources

a) Use of Resources:

Development will:

- i) minimise the use of treated/abstracted water;
- ii) not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status;
- iii) treat surface water and foul water discharge separately and in line with SUDs Manual Ciria C697;
- iv) have no significant adverse impact on existing or proposed public or private water supplies or wastewater treatment services.

There will be a presumption against development which does not meet all of the following criteria in the use of resources:

- 1) minimise the use of treated and abstracted water;
- 2) not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status;
- 3) treat surface water and foul water discharge separately and in accordance with SUDs Manual Ciria C697;
- 4) have no significant adverse impact on existing or private water supplies or wastewater treatment services.

b) Flooding

Development will be free from significant risk of flooding, not increase the risk of flooding elsewhere, not add to the area of land that requires flood prevention measures, or affect the ability of the functional floodplain to store or move flood waters. Development in areas susceptible to flooding will require a developer-funded flood risk assessment carried out by a suitably qualified professional.

There will be a presumption against development which does not meet all of the following criteria relating to flooding:

- 1) be free from significant risk of flooding;
- 2) not increase the risk of flooding elsewhere;
- 3) not add to the area of land that requires flood prevention measures;
- 4) not affect the ability of the functional floodplain to store or move flood waters.

Note: Development in areas susceptible to flooding will require a developer-funded flood risk assessment carried out by a suitably qualified professional.

c) Connection to sewerage

~~Development will connect to the public sewerage network unless:~~

There will be a presumption against development which is not connected to the public sewerage network unless:

- 1) it is in a small settlement (population equivalent less than 2000) where there is no, or a limited collection system, in which case a private system may be permitted where it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the area; or
- 2) it is in a larger settlement (population equivalent over 2000) where connection is currently constrained but is within the Scottish Water investment programme.

In such cases:

- Systems must be designed and built to a standard to allow adoption by Scottish Water
- Systems must be designed so that in the future, they can be easily connected to the public sewer.

Where a private system is acceptable (within small settlements or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Scottish Building Standards Agency Technical Handbooks should be explored prior to considering a discharge to surface waters.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Water
- Biodiversity

4.74 ~~The National Park contains two major rivers, the Spey and Dee, both of which rise within the Park boundary. Elsewhere the water environment is largely pristine.~~ Appropriate management of the headwaters in the National Park is key to the protection of the river systems that flow from it. The protection of water resources is therefore a key objective of the Park Plan, which highlights the need for all development to make the most sustainable use of resources, including water resources. The need to protect and enhance the water environment has been reinforced by the EC Water Framework Directive, which established a legal framework for the protection, improvement and sustainable use of all water bodies across Europe and the Local Plan is key

to the delivery of this Directive. The Water Environment and Water Services (Scotland) Act 2003 implemented the Directive in Scotland. The Act also designated the National Park Authority as a 'responsible authority', introducing legal duties to ensure compliance with the Water Framework Directive aims and objectives, as well as a requirement to promote sustainable use of water resources and sustainable flood management. The Water Framework Directive introduces a number of new measures to ensure a higher standard of care for the water environment, including the production of River Basin Management Plans (RBMPs). The National Park lies within the North East Scotland and Tay areas for river basin planning.

4.75 Additional guidance on planning and the water environment is provided through Scottish Planning Policy ~~7-Planning and Flooding~~, Planning Advice Note 79, Water and Drainage, Planning Advice Note 61, Sustainable Urban Drainage; SEPA policy WAT-PS-06-08 on the provision of wastewater drainage in settlements; and also Water Environment (Controlled Activities) (Scotland Regulations) 2005 (as amended), Sewers for Scotland Manual 2nd edition, and Drainage assessment – a Guide for Scotland (SUDSWP). This wide range of guidance focuses on improving the current situation, and ensuring that new development gives proper consideration to the impacts of water, in terms of its provision, disposal, and management. Reference should also be made to the Rivers Spey and Dee Catchment Management Plans. Further information can also be obtained from SEPA regarding licences, and other controlled works.

~~4.76 It is also key to the success of this policy that there is general recognition that almost all the Park lies within the catchment of 3 River SACs and as such almost all proposals that involve water abstraction and wastewater treatment must comply with the requirements of the Conservation (Natural Habitats, etc &c.) Regulations 1994 as amended.~~

Implementation and Monitoring

4.77 -4.78 text unchanged.

4.79 The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible. However, in some locations, the Local Plan identifies land where there is uncertainty about the risk of flooding. In such cases the Local Plan highlights the need for developers to fund detailed flood risk assessments. For clarity development in areas

susceptible to flooding are as defined by ~~SPP7's Flood Risk Framework~~, SPP, SEPA's Flood Risk maps, or other flood risk information.

4.80 text unchanged

~~4.81 It is also key to the success of this policy that there is general recognition that almost all the Park lies within the catchment of 3 River SACs and as such almost all proposals that involve water abstraction and wastewater treatment must comply with the requirements of the Conservation (Natural Habitats, etc &c.) Regulations 1994 as amended.~~

4.81 – 4.84 Text unchanged

Issue	Policy 14 Minerals and Soil/Earth Resources		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Mrs Jane Angus	Objection ref	437h
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020g
	Muir Homes Ltd		038g
	Dunachton Estate		418c
	The Crown Estate		419c
	Scottish Campaign for National Parks		434g
	Alvie & Dalraddy Estate		439l
	Glenmore Properties Ltd		453f

Extract from the Reporters Report

Conclusions

18.12 When we review our reasoning in the above paragraphs we conclude that Policy 14 can be drafted to meet the strategic objectives of the CNPP 2007 and national planning policy as that is presented in SPP 4. However, successive drafts from the deposit version onwards fall below the standards to be expected in the formulation of local plan policy. In particular, the drafting of Policy 14 is opaque and does not identify sufficiently briefly and clearly for readers of the plan how the various impacts of mineral extraction and processing and the developments which involve the disturbance of soil and peat will be dealt with. With that in mind, the policy and its associated text should be redrafted to make explicit reference to the content of SPP 4.

18.13 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

18.14 Accordingly, in the light of our reservations set out above, we recommend that Policy 14 Minerals and Soil/Earth Resources as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and its associated text should be redrafted as we have suggested and in line with the requirements of SPP 4: Planning for Minerals.

Additional Suggestions/Reservations to be addressed

18.4 ... We are surprised that there is no mention in the associated text of the national planning policy requirements for minerals that are set out in SPP 4. However, we are in no doubt that Policy 14 as drafted can be adjusted to meet the requirements of SPP 4.

18.5 ... we suggest that the policy might be re-titled Policy 14 Geodiversity or Policy 14 Minerals and Related Matters.

18.9 ... it has not been explained why the references to soil and peat should have pride of place in the text of the finalised version. For clarity and ease of understanding, we prefer the positioning following the references to minerals which we see in the deposit version.

18.10 ... we suggest that the following should be considered in taking the policy forward:

- The policy as whole should be prefaced with text which reads along the lines: There will be a presumption against approval of proposals for new mineral extraction or processing and any extension to existing developments unless...
- If the division of a single policy into 2 components is to be retained then it would improve the quality of the text if the wording regarding minerals came first.
- The second paragraph of the section on minerals is of particular importance for prospective developers and a likely source of debate. There are 2 very minor adjustments that might assist in the avoidance of any doubt as to what is meant: the phrase Developers will incorporate could be replaced with the phrase Developers must incorporate; and likewise for clarity a comma should follow the word aftercare.
- In the third paragraph the 3 criteria should be numbered in sequence: i), and ii), and iii).
- In dealing with soil and peat the following wording is offered for clarity and in accordance with best practice:
New areas of commercial peat extraction will not be permitted.
All development must avoid unnecessary disturbance of soils, peat and any associated vegetation. Where disturbance is necessary best practice must be adopted in their movement, storage, management and reinstatement.

18.11 ... Leaving the use of opaque phrases such as environmental functionality through wash-out to one side for CNPA to deal with, we find that the background and justification could with benefit be edited to restrict the content to a simple, concise justification for the appearance of the Policy 14 in the CNPLP and the particular wording that has been decided upon. The ordering of the material in the paragraphs dealing with implementation and monitoring should be revisited to make clear the difference between these completely separate processes. That task can provide an opportunity to take on board specific reference to the content of SPP 4. In particular, paragraph 21 provides a helpful steer on how the Scottish Ministers expect policy to be formed and implemented in areas where conservation of the natural and built heritage are of particular importance.

1. CNPA Analysis and Comment

1.1 In our analysis of the recommendations relating to Policy 14 CNPA accept that, to aid clarity, there should be reference made to national guidance on the topic, and reference to SPP will therefore be included.

1.2 In considering the issue of the title of the policy, CNPA do not accept the suggestion that the title as drafted is cumbersome. The suggested wording given by the Reporters, Geodiversity, has a particular meaning which goes beyond those topics covered in the policy. The definition used given by the RTPi is 'the range of rocks, fossils, minerals, landforms and soils that occur on our planet, along with the

natural processes that shape the landscape.’ (www.rtpi.org.uk) The policy includes only soil and peat, and minerals, and CNPA therefore do not accept that the change in title provides additional clarity. Although CNPA agree that the title is cumbersome, it does clarify those resources covered by the policy and do not therefore propose any further change.

1.3 In reviewing the text of the policy, CNPA does not have any particular reason to place text relating to soil and peat before that relating to minerals, and we therefore accept that reversing this would assist the reader and provide additional clarity. This order will also be applied to the supporting text.

1.4 In line with previous recommendations that policies supporting the 1st and 2nd aims should be framed in the negative, CNPA accept the need to include a sentence at the beginning of the policy to clarify this.

1.5 In the 2nd paragraph relating to minerals the recommendations suggest replacing ‘will’ with ‘must’ and adding a comma after ‘aftercare’. The changes are intended to clarify to developers exactly what will be expected and, with that in mind, CNPA accept that the changes will assist. The renumbering of the bullets is also accepted.

1.6 In regard to the text on soil and peat, CNPA accept the need to follow best practice and therefore accept the proposed alternative wording provided.

1.7 In accepting the revisions to the policy wording, CNPA has also tried to address the criticisms of the Reporters that the wording was in part opaque. The changes to the wording of both the policy and supporting text are intended now to be clear and understandable to the reader.

1.8 It is recommended that the supporting text to the policy is revisited to improve the clarity and include only a concise justification for the policy. Within this better links should be made to SPP4. CNPA accept that the wording as drafted is not as clear as we would wish, and we therefore accept the need to revisit this section. This provides an opportunity to better link the policy to national guidance provided now in SPP.

2. CNPA Decision

2.1 CNPA do not accept the amended title for the policy as ‘geodiversity’

2.2 Accept the need to clarify the presumption against development in line with the need to delivery the strategic objectives of the CNPP2007.

2.3 Accept the proposed changes to the wording of the policy, and the reordering, to improve clarity.

2.4 Accept the need to revisit the supporting text to improve clarity, limit the text to a justification for the policy, and clarify how the policy will be implemented and monitored in line with the guidance provided in SPP.

3. Changes to plan needed to address decision

- 3.1 Reorder the text within the policy to place that relating to minerals first, followed then by that relating to soil and peat.
- 3.2 Amend the text within the policy to clarify what is expected from developers.
- 3.3 Revise the background text to a clear justification for the policy.
- 3.4 Revise the monitoring and implementation section to clarify how the policy will be used, in line with SPP.
- 3.5 Renumber policy to reflect deletion of Policy 1.

Policy 14 Mineral and Soil/Earth Resources

a) Soil and Peat

Development should avoid unnecessary disturbance of soils, peat and vegetation, and will adopt best practice for the movement, storage, management and reinstatement of the same.

Proposals for new areas of commercial mechanised peat extraction will not be permitted.

b) Minerals

There will be a presumption against proposals for new mineral extraction, processing or recycling developments, or extensions to existing mineral developments unless:

- i) the developer can demonstrate the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and
- ii) no suitable and reasonable alternatives to the material are available; or
- iii) the material furthers conservation or restoration of the distinctive landscape character and built environment of the Park as set out in the National Park Plan.

Developers will incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare and after use. Bonds will be used where appropriate and secured by a Section 75 Agreement.

Development likely to prevent the future viable extraction of a workable mineral reserve will only be permitted where:

- iv) There is no alternative site for the development; and
- v) The value of the development to the delivery of the aims of the Park is considered to outweigh the value of the mineral resource; and
- vi) The opportunity has been provided for the extraction of the mineral resource before the development commences.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- ▲ Geodiversity
- ▲ Biodiversity
- ▲ Water

4.83 The resources found within the earth's surface, comprising soils, minerals and peat, are an important natural resource, essential to support all forms of biodiversity and provide the substrate for plant growth.

4.84 Soils support and form the habitats for many other organisms, including mammals, invertebrates, plants and fungi. The Cairngorms National Park has a rich diversity of soils, from the agricultural soils that are confined to the more fertile valleys, to undisturbed patterns of often fragile soils extending under ancient woodland, moorland, mountain slopes and summits. Some are recognised as being of European significance.

4.85 Most forms of development and change in land use will disturb soils and affect their physical, chemical and biological characteristics. In extreme cases, this can lead to permanent loss of soil or the destruction of soil biodiversity and environmental functionality through wash-out, sedimentation and pollution of watercourses that can significantly increase the permanent footprint of a development. All developments must carefully consider their impact on this valuable resource.

4.86 The Cairngorms National Park also has large areas of mire and fen which store and create peat. These accumulations of peat may be active (forming peat), or non-active, and occur both as blanket bog over gentle slopes on the hills and within topographic hollows and on valley sides on lower ground. The rarity and range of species and associated plant communities on these areas of mire, and their history of formation and use, make them both ecologically and culturally important.

4.87 In addition to the direct ecological value of the peat forming habitats, all areas of peat play a role in the world's climate through storing carbon. The removal or disturbance of peat allows release of carbon to the atmosphere which may contribute to global climate changes. Domestic peat-cutting has been a traditional activity in parts of the Park. The practice has declined, becoming a relatively small-scale activity with only a few participants.

4.88 Commercial extraction of peat for sale involves large-scale stripping of layers of peat using machinery. The practice removes peat far faster than it can form, is ecologically destructive and releases a large amount of carbon dioxide into the

~~atmosphere, which may contribute to global climate change. There is one commercial peat extraction operation within the National Park, and the Cairngorms Biodiversity Action Plan notes that at its current level it is not a significant threat to the habitat within the Park.~~

~~4.89 The need to extract some minerals for development, and the economic benefits gained from extraction and processing minerals, must be carefully considered in the Cairngorms National Park. The Park and its immediate surroundings have a market need for a number of mineral products, principally aggregates for the construction industries, which can be met by local mineral workings. However, mineral extraction can have a wide range of negative environmental impacts that may harm the special qualities of the National Park. Although the main mineral resources currently extracted commercially are sand, gravel and hardrock, in the future other deposits may become commercially viable and the safeguarding of these deposits is an important consideration in any future planning.~~

Implementation and Monitoring

~~4.90 The policy will be used to ensure that soil and mineral resources within the National Park are used in the most sustainable manner. In order to minimise potential negative effects on the environment of the Park and minimise the transportation of materials from the National Park to other areas, developments will need to demonstrate that there is a market within the Park or its surrounding areas, or that the Park will derive other social or economic benefits, and that there are no suitable alternative (and lower impact) solutions available. The policy will be monitored by reviews of planning permissions for minerals developments.~~

~~4.91 The impact of any further peat extraction from existing sites will be monitored to assess the environmental impact of works, both on the site and its surroundings.~~

~~4.92 The planning authorities may use conditions to ensure that developments avoid unnecessary disturbance of soils and peat and employ best practice for the movement, storage, management and reinstatement of soils, peat and vegetation. Developers may be required to prepare a soil management statement to describe the soils management measures that will be adopted. The detail and complexity of the management statement will be determined by the size and complexity of the proposed development.~~

Policy 13 Mineral and Soil/Earth Resources

a) Minerals

There will be a presumption against approvals for new mineral extraction or processing and any extension to existing development unless:

- i) the developer can demonstrate the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and
- ii) no suitable and reasonable alternatives to the material are available; or
- iii) the material furthers conservation or restoration of the distinctive landscape character and built environment of the Park as set out in the National Park Plan.

Developers must incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare, and after use. Bonds will be used where appropriate and secured by a Section 75 Agreement.

Development likely to prevent the future viable extraction of a workable mineral reserve will only be permitted where:

- i) There is no alternative site for the development; and
- ii) The value of the development to the delivery of the aims of the Park is considered to outweigh the value of the mineral resource; and
- iii) The opportunity has been provided for the extraction of the mineral resource before the development commences.

b) Soil and Peat

New areas of commercial peat extraction will not be permitted.

All development must avoid unnecessary disturbance of soils, peat and any associated vegetation. Where disturbance is necessary best practice must be adopted in their movement, storage, management and reinstatement.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Geodiversity
- Biodiversity
- Water

4.83 National guidance is provided in SPP which requires Local Plans to minimise significant negative impacts from mineral extraction on the amenity of local communities, the natural heritage and historic

environment and other economic sectors important to the local economy, and should encourage sensitive working practices during extraction.

4.84 Minerals – the need to extract some minerals for development, and the economic benefits gained from extraction and processing minerals, must be carefully considered in the Cairngorms National Park.

The Park and its immediate surroundings have a market need for a number of mineral products, principally aggregates for the construction industries, which can be met by local mineral workings. However, mineral extraction can have a wide range of negative environmental impacts that may harm the special qualities of the National Park. Although the main mineral resources currently extracted commercially are sand, gravel and hardrock, in the future other deposits may become commercially viable and the safeguarding of these deposits is an important consideration in any future planning.

4.85 Soil - The Cairngorms National Park has a rich diversity of soils, from the agricultural soils, to undisturbed patterns of often fragile soils extending under ancient woodland, moorland, mountain slopes and summits. Most forms of development and change in land use will disturb soils and affect their physical, chemical and biological characteristics. All developments must carefully consider their impact on this valuable resource.

4.86 Peat - The Cairngorms National Park also has large areas of mire and fen which store and create peat. In addition to the direct ecological value of the peat-forming habitats, all areas of peat play a role in the world's climate through storing carbon. The removal or disturbance of peat allows release of carbon to the atmosphere which may contribute to global climate changes. Commercial extraction of peat for sale involves large-scale stripping of layers of peat using machinery. The practice removes peat far faster than it can form, is ecologically destructive and releases a large amount of carbon dioxide into the atmosphere, which may contribute to global climate change. All developments must carefully consider their impact on this valuable resource.

Implementation and Monitoring

4.87 The policy will be used to ensure that soil and mineral resources within the National Park are used in the most sustainable manner. In order to minimise potential negative effects on the environment of the Park and minimise the transportation of materials from the National Park to other areas, developments will need to demonstrate that there is a market within the Park or its surrounding areas, or that the Park will derive other social or economic benefits, and that there are no suitable alternative (and lower impact) solutions available. In the implementation of this policy, planning authorities will employ the most up to date best practice methods, in accordance with SPP. The policy will be monitored by reviews of planning permissions for minerals developments.

4.88 The impact of any further peat extraction from existing sites will be monitored to assess the environmental impact of works, both on the site and its surroundings.

4.89 The planning authorities may use conditions to ensure that developments avoid unnecessary disturbance of soils and peat and employ best practice for the movement, storage, management and reinstatement of soils, peat and vegetation. Conditions attached to mineral permissions will be reviewed every 15 years, in accordance with SPP, Circular 34/1996 and Circular 1/2003. Developers may be required to prepare a soil management statement to describe the soils management measures that will be adopted. The detail and complexity of the management statement will be determined by the size and complexity of the proposed development.

Issue	Policy 16 Energy Generation		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400f(i)
	Scottish & Southern Energy plc		447e
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037d
	R B Tozer		098c
	Dunachton Estate		418d
	The Crown Estate		419d
	BWEA		427
	Scottish Campaign for National Parks		434h
	Alvie & Dalraddy Estate		439m
	Novera Energy plc		486b/c

Extract from the Reporters Report

Conclusions

19.13 When we review our reasoning in the above paragraphs we conclude that, subject to the modifications set out above, Policy 16 and its associated text conforms to the strategic objectives of the CNPP 2007, and is compatible with the terms of national policy as set out in SPP 6. Subject to some adjustment, it identifies sufficiently clearly the sorts of energy generation which will, and will not, be permitted within the landscape of the Park. The associated text which deals with the background and justification for the policy as well as the manner of its implementation and monitoring is soundly based but it would also benefit from adjustments, including by the addition of definition for the term wind farm. The preparation and issue of supplementary guidance following appropriate consultation should be a priority for CNPA.

19.14 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

19.15 Accordingly, we recommend that subject to the findings set in the paragraphs above concerning the title of the policy, the detail of its wording and that of the associated text, as well as the need for definition and supplementary guidance, Policy 16 Renewable Energy as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

19.4 ... we suggest that the policy be re-titled Policy 16 Renewable Energy Generation.

19.7 ... the policy as it appears in the finalised version should be redrafted to remove any doubt about its intention. In particular, we find that in order to comply explicitly with the terms of the CNPP 2007 the word small-scale should be inserted before renewable energy in the first line of the policy.

19.8 ... We suggest that preparation of this guidance should be accorded a high priority.

19.9 ... we find some confusion about what should properly be contained under the heading Background and Justification and what under Implementation and Monitoring. At a minimum we suggest that the break between these should occur after paragraph 4.98 as that appears in the finalised version of the plan.

19.10 ... We agree with the objectors who suggest that the position on wind farms should be made absolutely clear to prospective developers notably, but not necessarily exclusively, in the text of paragraph 4.99. ... Following the advice contained in PAN 45: Renewable Energy Technologies, we suggest that clarification on wind farms might be achieved by modifying the text with Policy 16 at paragraph 4.99 along the following lines - delete: large scale energy production schemes such as commercial wind farms; and insert: wind farms. For the purposes of this plan a wind farm is defined as a development of 2 turbines or more.

1. CNPA Analysis and Comment

1.1 In our consideration of the recommendations relating to Policy 16, we welcome the conclusion that the policy as drafted supports the strategic objectives of the CNPP 2007, and reflect the aspirations of SPP6.

1.2 In order to better match with the intentions of the CNPP 2007 and remove any possible confusion to the scale of development which might be considered appropriate within the National Park, CNPA accept the need to insert 'small scale' into the text.

1.3 We also accept the comments made regarding the title. The policy as drafted does provide policy guidance on renewable energy proposals, and the change to the title is therefore accepted.

1.4 The reporters highlight the need for the preparation of supplementary guidance to support this policy, and CNPA has given a clear undertaking to develop this work as soon as possible. The reference to this guidance will be included within the appendix to the Plan which will set out all supplementary guidance required to support the plan.

1.5 In reading the background text to the policy the reporters highlight the need for a change to the break between Background and Implementation. In the interests of producing as clear a policy as possible CNPA agree that this change would improve the flow of the text.

1.6 Further, the Reporters recommend that the position on wind farms should be made absolutely clear. The Reporters have given wording to achieve this, recommending the inclusion of a definition stating that 2 turbines or more will be

considered to constitute a wind farm. CNPA do not accept this recommendation. CNPA consider that while clarity in the text is essential, the use of such a blunt definition is not helpful, and does not allow for the consideration of the scale of proposals within the landscape. It may, for example be the case that 2 small turbines make less of an impact than one large or ill placed turbine. CNPA therefore maintain the approach that appropriate background text matched with supplementary guidance to provide additional detail provides appropriate levels of clarity for developers. The suggested wording is therefore not accepted.

1.7 The Reporters recognition that all relevant policies must be complied with to gain planning permission is welcomed. CNPA also welcomes the recognition by the Reporters of the role of the Authority in commenting on applications affecting the setting of the Park which fall outside its boundary.

2. CNPA Decision

2.1 Accept the need to change the title of the Policy to 'Renewable Energy Generation';

2.2 Accept the need to insert 'small scale' into the 1st line of the policy;

2.3 Include Small scale renewable energy generation to the list of SPG within an appendix to the plan;

2.4 Accept the change to the positioning of the title 'Implementation and Monitoring';

2.5 Accept the deletion of the suggested text in para 4.99 as suggested by the Reporters, but do not accept the inclusion of the additional text regarding the definition of what constitutes a wind farm.

3. Changes to plan needed to address decision

3.1 Amend the title to clarify the type of applications covered under this policy.

3.2 Amend the policy text to clarify that only small scale developments will be supported by the Policy.

3.3 Amend the supporting text to clarify which related to background information and which to implementation.

3.4 Amend the supporting text to remove reference to large scale energy production schemes such as commercial wind farms.

3.5 Include within Appendix 2 the CNPA commitment to the preparation of supplementary planning guidance to support this policy.

3.6 Renumber policy to reflect deletion of Policy 1.

~~Policy 16 Energy Generation~~ 15 Renewable Energy Generation

Developments for small scale renewable energy schemes which support the aims of the Park and the National Park strategic objective regarding energy production will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the development.

Development, including any ancillary works, will be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have an adverse impact on the amenity of neighbouring properties or any unacceptable impact on the environment.

Financial bonds will be used where appropriate to secure decommissioning.

4.97 – 4.98 text unchanged

Implementation and Monitoring

4.99 Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it, and the duty placed on the National Park Authority under international and national statutory obligations to protect its many special and outstanding qualities, make it an area incompatible with the development of ~~large-scale energy production schemes such as commercial wind farms.~~ windfarms.

~~Implementation and Monitoring~~

4.100 In addition there may be opportunities for developments such as biomass, waste and hydro which are designed in a sympathetic way to have no adverse landscape, visual or environmental impact. Also there may be opportunities for the production of energy from waste and the key consideration throughout the development of proposals of all such forms of generation is the impact that development will have on the environment in which is it sited.

4.101 -4.103 text unchanged

Issue	Policy 17 Improvements to Settlements		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Mrs Sally Spencer	Objection refs	017f
	Dr A Watson		020h
	DW & IM Duncan		037f
	Muir Homes Ltd		038h
	Alvie & Dalraddy Estate		439p

Extract from the Reporters Report

Conclusions

20.15 Overall therefore, we are satisfied that either version of the policy has an appropriate strategic context because the deposit version of the policy relates directly to the fourth aim of the Park and the finalised version fits broadly into the CNPP 2007 emphasis on the importance of sustainable communities and the role of economic development in achieving that aim. No other potential strategic or national planning policy conflict has been drawn to our attention, so we have no reason to dispute compliance. As a result, we conclude that Policy 17 meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy guidance.

20.16 However, we have considerable reservations about the position and function of Policy 17 as worded, especially in comparison to its preceding and clearly defined role as Policy 22. In particular, we note the lack of consistent definitions to support easy interpretation, the doubtful applicability and means of monitoring, and the insubstantial linkages to the as yet unseen sustainable design guide as supplementary information for prospective developers. As a result, we consider that Policy 17 does not identify clearly enough the kinds of development that will and will not be permitted, and the associated text is neither soundly based nor capable of easy interpretation, implementation, and monitoring.

20.17 In terms of potential changes, we have no hesitation in finding that if Policy 17 is to be kept, it should be revisited to review and define exactly what CNPA is aiming to achieve. Having done that, it may be that Policy 17 becomes redundant and could be deleted, or it may return to its original town centre focus, or indeed it may be rebranded entirely to become a new sustainable community policy based on clear and consistent definitions of what that concept is intended to mean. Either way, we are in no doubt that as currently set out, Policy 17 should not remain in the local plan.

20.18 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

20.19 Accordingly, we recommend that Policy 17 Improvements to Settlements as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be removed from the adopted local plan. We further recommend that consideration be

given to a replacement policy with a more clearly defined and explained purpose, based on meaningful and explicit text, which takes account of all of our comments above.

Additional Suggestions/Reservations to be addressed

20.7 The term sustainable is defined in the CNPP 2007 glossary as A way of living and working which uses and manages environmental, social and economic resources in such a way that future generations will also be able to enjoy them.

20.8 Sustainable development is defined in the general introduction to the Living and Working section of each version of the CNPLP (paragraph 5.2) as intending that the resources and special qualities of the Park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them to a comparable degree. ... The definitions are also not in the most obvious place, i.e. the local plan glossary and we recommend that this omission should be rectified.

1. CNPA Analysis and Comment

1.1 Policy 17 in the finalised version of the Plan appeared originally as Policy 22 in the Deposit Plan. In looking at the recommendations of the reporters, CNPA accept that the changes have resulted in some confusion over both the function of the policy, and the way in which it serves to contribute to sustainable communities. The policy was intended to provide a method of assessing applications which help support the vitality and viability of town centres.

1.2 CNPA accept the need for clarity on the use of all terms used in the plan, and accept that a definition of the term 'sustainable', and 'sustainable development' should be included in the glossary. These definitions will properly reflect the wordings found in the CNPP 2007.

1.3 The Reporters go on to consider the policy as a whole to be unclear both in its intent and its application. The Reporters are in no doubt that the policy as it stands in the finalised plan should not remain. CNPA accept that the background text to the policy does not clarify adequately the types of development that would be considered under the policy. Nor does it explain clearly for developers what would be required to comply with the policy. The policy does not add to the suite of policies which are intended to provide a policy basis for those applications falling within settlements, and as such, CNPA accept the Reporters suggestion that the policy as drafted is redundant.

1.4 In looking at the further suggestion that there may be a need for an alternative policy which looks specifically at sustainable communities, CNPA accept that as drafted, the current plan does not have such a policy, and with its need to promote sustainable economic and social development of the area's communities, this would provide a clear link with the fourth aim of the Park. However, CNPA do not feel it is appropriate to include such a new approach to considering sustaining communities at this late stage in the process of producing the Local Plan. The idea will however be taken forward into the forthcoming work on the Local Development Plan, and will be linked clearly to the CNPP 2007 and any future version of it.

2. CNPA Decision

2.1 CNPA accepts the removal of Policy 17 and include a review of the need for a policy dealing specifically with sustainable communities in the forthcoming Local Development Plan.

2.2 CNPA also accept the need to amend the glossary to include a definition of 'sustainable' and 'sustainable development'

3. Changes to plan needed to address decision

3.1 Delete Policy 17 in total.

3.2 Renumber subsequent policies to account for this deletion.

3.3 Amend glossary in regard to 'sustainable' and 'sustainable development'

Policy 17 Improvements to Settlements

Within settlements, development proposals will demonstrate how they contribute to the following criteria:

- a) developing prosperity, eg by improved economic viability; increase the range and variety of shops and services; develop quality open spaces; include appropriate landscaping; safeguard existing services; and
- b) increasing accessibility, eg encourage a range of multi-use paths and transport options; provide adequate vehicle and cycle parking; provide for special needs groups; provide for delivery of goods; and
- c) improving amenity, eg make centres suitable for non motorised traffic; introduce high standards of management and maintenance; promote good design; make the centre safe and secure.

Developments which would result in a loss of vitality, viability and amenity of settlements and their communities will be resisted unless the effect can be mitigated.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- ▲ Sustainable Communities
- ▲ Economy and Employment
- ▲ Outdoor Access and Recreation

5.5 To ensure that town centres and other settlements are appealing, and support this economic function, the creation and protection of attractive townscapes is important. All developments should therefore consider both the economic and visual impacts on settlements, and any wider impacts on the centre as a whole. All developments, including new build and renovations, and works within the settlements should have a sense of local identity and character.

5.6 Proposals should also ensure that the vitality and viability of settlements, and the amenity enjoyed by their residents and visitors are not undermined.

Implementation and Monitoring

5.7 This policy will be applied when considering the wider impacts of developments on settlements and their communities.

5.8 The policy will be monitored by assessing the quality of design of all developments to ensure this respects local character and has a positive impact on the built environment. The use of surveys and assessments will be used to measure whether communities are sustainable and have a good range of facilities and amenities.

Issue	Policy 18 Design Standards for Development		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Mrs Sally Spencer	Objection refs	017d
	Dr A Watson		020h
	Muir Homes Ltd		038h/i
	Albyn Housing Association		385d
	The Proprietors of Mar Centre		394g
	William Stuart Paterson		409k
	Dunachton Estate		418e/f/h
	Alvie & Dalraddy Estate		439z/d
	Scottish & Southern Energy plc		447f/g

Extract from the Reporters Report

Conclusions

21.12 Overall therefore and based on the above, we are satisfied that Policy 18 along with the associated intention to prepare a sustainable design guide has an appropriate strategic and national planning policy context because it relates directly to several aims of the Park and, in turn, to the CNPP 2007, as well as to a well-established material planning consideration. From this, we conclude that Policy 18 meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy guidance.

21.13 Although we have expressed some comments and reservations above on the detail of Policy 18 which we encourage CNPA to take into account, we are in the main satisfied that it identifies clearly enough the kinds of development that will and will not be permitted. In the same vein, we further consider that the associated text is generally soundly based and capable of easy interpretation, implementation, and monitoring. Therefore, we are satisfied that the objections raise no strong reason to abandon or to vary the finalised version of local plan Policy 18 to a significant degree and we have found that only comparatively minor changes are necessary.

21.14 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

21.15 Accordingly, subject to addressing the above comments and reservations, we recommend that Policy 18 Design Standards for Development, broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

21.11 ... our comments and reservations about these changes are as follows:

- *We can find no clear explanation of the purpose and means of compliance for new criterion (a). The intention may be to address this via the as yet unseen design guide, but in the meantime, we find that in isolation, it is not capable of easy interpretation.*
- *Criterion (d) and both criterion (e)s seem to us appropriate because they draw the policy even closer to the CNPP 2007 strategic objectives.*
- *The language used in criterion (f) is a diminution of the deposit version and, like the objector, we prefer the earlier version which is clearer and stronger.*
- *Including a design statement requirement is appropriate in compliance with new planning legislation and it amounts to a suitable vehicle through which the majority of this policy's requirements can be shown to be satisfied.*
- *It is not CNPA's responsibility to draw up or require particular designs and, in any event, variety remains an appropriate aspiration for the Park.*
- *A design guide is an appropriate means of expressing the kind of detailed advice that would over burden and over complicate the local plan, and we are pleased to note the reference to this in the policy wording. Given this, the detail of what that guidance might say can be stripped from the plan text, broadly as the last set of modifications propose and, we note from the information provided in response to our request at the inquiry, that preparation of the guide is at an advanced stage with consultation due in July 2009.*
- *The implementation and monitoring section of the supporting plan text states clearly that the means of implementation will be gradually, via planning applications. From that, it follows that a failure to comply with the relevant parts of Policy 18 might properly justify refusing planning permission in some cases.*
- *While we agree that much of the detail around monitoring the effect of Policy 18, including the reference to the sustainability score, should be removed, we find the policy should still be supported by some description of how it will be monitored and promoted.*

1. CNPA Analysis and Comment

1.1 In considering the recommendations made in respect of Policy 18, CNPA welcomes the support for the approach being put forward, and that the policy clearly stems from the aims of the National Park. The recognition that there is a justification to raise the standard of design for development throughout the Park is also welcomed.

1.2 To improve clarity and ability of application, the Reporters make some comments, firstly regarding criterion a) which refers to climate change. The Reporters accept that this term, while seeming unclear in isolation may be linked to the guidance provided in the Sustainable Design Guide. CNPA confirm this to be the case, and therefore do not accept the need to make any further change to this criterion.

1.3 Next, the reporters give support to criterion d) and both e)s which CNPA welcomes. CNPA does however note the error in the criterion naming, and will change this typing error.

1.4 The Reporters in looking at f) prefer the wording in the deposit plan. CNPA in considering this comment, accept that the wording in the Deposit Plan gave a clearer

direction to developers as to what is expected under this criterion, and accept that reverting back to the previous wording would improve the policy.

1.5 The Reporters go on to support the requirement for a design statement and also to support the production of a design guide as an appropriate way of providing the necessary detail for developers without cluttering the policy. In recognition of this, and as suggested by CNPA in its evidence to the Inquiry, the Reporters accept the removal of detail from the supporting text which details what the design guide will contain.

1.6 The Reporters are however of the view, that to ensure the policy is properly used in the decision making process, there should be added clarity on how it will be implemented. The suggested deletion of the text in para 5.14 therefore leaves a gap in this understanding and CNPA therefore accept the need for additional wording. This will explain that the policy will be implemented in conjunction with the Sustainable Design guide, to assess the sustainability credentials of proposals.

2. CNPA Decision

2.1 Accept the comments regarding the criteria set out in the policy, and amend f) to revert back to the wording in the deposit plan.

2.2 Accept the suggestion to remove text from para 5.14, to be replaced with alternative wording which clarifies how the plan will be implemented.

3. Changes to plan needed to address decision

3.1 Change criterion f) to previous wording

3.2 Remove redundant text from para 5.14 and replace with wording to explain that the policy will be implemented in conjunction with the Sustainable Design Guide to assess the sustainability credentials of proposals.

Policy 18 16 Design Standards for Development

Design of all development will seek, where appropriate, to:

- a) minimise the effect of the development on climate change;
- b) reflect and reinforce the traditional pattern and character of the surrounding area, and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;
- c) use materials and landscaping that will complement the setting of the development ;
- d) demonstrate sustainable use of resources (including the minimisation of energy, waste and water usage) throughout construction, within the future maintenance arrangements, and for any decommissioning which may be necessary;
- e) enable the storage, segregation and collection of recyclable materials and make provision for composting;
- e-f) reduce the need to travel;
- ~~f) take account of the amenity enjoyed by neighbouring properties and ensure all proposals are designed to help create healthy, safe, affordable environments that can be enjoyed by everyone;~~
- g) protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone;
- g h) accord with the design standards and palette of materials set out in the Sustainable Design Guide and any other supplementary guidance produced relating to design for new developments.

All proposals must be accompanied by a design statement which sets out how the requirements of the policy have been met.

expectations of the Cairngorms National Park Authority. Following robust consultation this guide will be adopted as supplementary planning guidance. ~~The guide will contain a checklist which must be filled in and submitted with every planning application. This checklist will generate a 'sustainability score' and all proposals will be expected to attain an agreed score as a minimum standard. Proposals which exceed this minimum will be encouraged. The average score of developments within the National Park will be used to monitor improvements in this field. Innovative and exemplar examples of sustainable design will also be highlighted within Park publications to help others learn from local best practice.~~ Policy 16 will be implemented in conjunction with the Sustainable Design Guide to assess the sustainability credentials of proposals.

Para 5.9 – 5.13 unchanged

5.14 These policies are important to all development taking place in the Cairngorms National Park, and will be taken into consideration when assessing all planning applications, to establish their environmental and sustainability credentials. To assist in this a Sustainable Design Guide looking specifically at the sustainable aspects of all development, and encouraging innovation, will be developed to ensure that all applicants are aware of the

Issue	Policy 19 Reducing Carbon Emissions in New Development		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Muir Homes Ltd	Objection refs	038j
	Homes for Scotland		391f
	The Proprietors of Mar Centre		394h
	The Crown Estate		419e
	Alvie & Dalraddy Estate		439z/e
	Glenmore Properties Ltd		453s

Extract from the Reporters Report

Conclusions

22.10 Based on all of the above, we are satisfied that Policy 19 meets the strategic objectives of the CNPP 2007 and that it accords directly with relevant national and other strategic planning policy guidance. Further, because the issue of addressing climate change by reducing carbon emissions is firmly rooted in national planning policy, it should not be left as a matter for building regulations and it cannot be viewed as too heavy a burden for development.

22.11 Secondly, we are satisfied that Policy 19 identifies clearly enough the kinds of development that will and will not be permitted, and that it is supported adequately by succinct text that explains the background and justification for the policy as well as the manner of its implementation and monitoring. However, we have suggested cross-referencing with the examples in PAN 84 and, based on SPP 6, we have identified a need for flexibility to allow for offsetting.

22.12 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

22.13 Accordingly, subject to addressing the above reservations, we recommend that Policy 19 Reducing Carbon Emissions in New Development as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan, subject to:

- the introduction of flexibility to allow for the prospect of offsetting where technical constraints are shown to exist that otherwise prevent full compliance; and
- the consideration of cross-referencing with the examples in PAN 84: Reducing Carbon Emissions in New Development.

Additional Suggestions/Reservations to be addressed

22.8 ... we note with concern that SPP 6 refers to a form of offsetting in recognition of a need for flexibility, yet neither Policy 19 nor Policy 20 Developer Contributions from the CNPLP, incorporates this. We consider that this significant deficiency must be addressed.

22.9 ... the local plan text should be modified to refer to the worked examples in PAN 84 as guidance on how the policy will be implemented.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters regarding Policy 19, the support for the inclusion of the policy is welcomed. CNPA do however accept the need for added clarity on the issue of offsetting, and will amend the text to clarify this point.

1.2 The Reporters also note the useful worked examples set out in PAN 84 which could help developers understand how best to comply with the policy. CNPA accept this as a useful addition to the policy which helps the understanding of what is required, and will make the necessary changes to the text to highlight these examples. The supplementary guidance will also be amended to ensure appropriate account is taken of offsetting, and to refer to the worked examples.

2. CNPA Decision

2.1 Accept the need to refer to PAN 84 worked examples and the need to include reference to offsetting, in accordance with SPP6, both within the policy and the supplementary guidance.

3. Changes to plan needed to address decision

3.1 Add an additional paragraph to the policy to clarify the position on offsetting.

3.2 Within the background text, refer to PAN 84 and its worked examples.

Policy 19 17 Reducing Carbon Emissions in Development

Development with a total cumulative floorspace of 500 square metres or more should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in carbon dioxide emissions beyond the 2007 Building regulations carbon dioxide emissions standard.

Proposals will be exempt from this standard only where developers are able to demonstrate that technical constraints exist. In such circumstances, developers will be required to meet the standard by providing equivalent carbon savings elsewhere in the area.

5.15 Standards relating to the siting of all new development, and how carbon reduction targets can be met, will be developed and published as supplementary planning guidance. This, in addition to the Sustainable Design Guide, will set out in more detail how these policies will be implemented. [PAN 84: Reducing Carbon Emissions in New Development](#) also gives a number of worked examples which may assist developers comply with this policy.

Issue	Policy 20 Developer Contributions		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Scottish & Southern Energy plc	Objection ref	447h
Procedure	Written submissions		
Objectors	Mrs S Spencer	Objection refs	017e
	Mr & Mrs Duncan		037e
	Muir Homes Ltd		038k
	Network Rail		368a
	Dunachton Estate		418g
	The Crown Estate		419g
	Alvie & Dalraddy Estate		439n
	Glenmore Properties Ltd		453g
	Reidhaven Estate		456e
	Phillip Swan		462e

Extract from the Reporters Report

Conclusions

23.16 Overall therefore, on the basis of the above, we are satisfied that Policy 20 has an appropriate strategic context because it relates directly to national planning policy, to the network of approved structure plans, and to the CNPP 2007. From that, we find that Policy 20 meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy guidance. We are equally satisfied that the policy makes clear CNPA's intention to follow well-established and generally accepted planning practice on implementation as set out in Circular 12/1996, to avoid any potential overlap with other legislation or the prospect that it could be misused in influencing the development management process.

23.17 In general, we find that the finalised version of the policy wording identifies clearly enough the kinds of development that will and will not be permitted, subject to some concern about the lack of community information to underpin the policy and about inconsistent terminology. However and on balance, we conclude that Policy 20 should refer in more generic terms to legal agreements as opposed to the more narrowly defined Section 75 agreements, although we agree that some limited extra detail on this could usefully be added.

23.18 As regards implementation and monitoring, we have recommended some text changes above, and we have expressed concern about the current lack of supplementary guidance to aid developers. Aside from that general concern, we can see scope to streamline the text including, for example, by removing Table 1 to the guidance. We have also suggested specific steps towards implementation that we consider should be incorporated into supplementary guidance. Lastly, we note a lack of detail as to how the impact of the policy will be monitored. Subject to all of this, we are, in the main, satisfied that the objections raise no strong reason to abandon or to vary finalised local plan Policy 20 and we consider that the associated

text which deals with the background and justification for Policy 20, as well as the manner of its implementation and monitoring is generally soundly based.

23.19 In reaching these conclusions, we have taken account of the suggested alternative wording promoted at the hearing, but we find that subject to our comments above, that altered text offers no significant improvement to the version already in the finalised local plan.

23.20 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

23.21 Accordingly, subject to addressing all of the above, including text changes and reference to the more generic legal agreements as opposed to the narrowly defined Section 75 agreements, we recommend that Policy 20 Developer Contributions should be taken forward into the adopted local plan broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008.

Additional Suggestions/Reservations to be addressed

23.7 ... We would also prefer to see the terms ‘planning authority’ and ‘local authority’ used accurately and consistently throughout this policy and its supporting text, bearing in mind the significance that these terms have in the context of the National Park and the particular roles that CNPA and its partner local authorities play in handling the implementation and product of Policy 20.

23.8 ... we recommend that while the policy wording and the supporting text could refer in more generic terms to appropriate legal agreement, it should make clear that this will usually be under Section 75. As a knock-on, CNPA should also review the associated glossary reference, which process should include specifying the source of Section 75.

23.9 ... we agree that it would improve the policy and address the above if the wording made clear that any agreement and contribution arising from Policy 20 would only occur where the matter in question relates to the impact of the proposed development and where that impact could not be dealt with through other legislation or the use of planning conditions.

23.10 ... Another shortcoming is the lack of explicit reference in Policy 20 to implementation via supplementary guidance, to give the clearest and earliest advice to developers.

23.11 With full supplementary guidance, the local plan need not be burdened with the considerable level of detail contained in Table 1. However, the guidance should be augmented with explicit reference to community facilities like libraries and halls, to skills and employment training initiatives, and to existing local authority strategies like waste, recreation, and transport. Reference to these strategies would help to address the current lack of clear community based information about need referred to above, as well as several of the objections.

23.12 We also expect that the proposed supplementary guidance will address at least the following matters:

- *the formula to be used in calculating the amount of any potential contribution;*
- *the level at which development impacts would trigger the application of Policy 20;*
- *the thresholds that would apply to phased developments;*
- *the circumstances in which a bond or cash contribution would be expected;*
- *information about how any money raised would be held and spent; and*
- *potential ways that the affected community might be involved in deciding certain of the spending priorities.*

1. CNPA Analysis and Comment

1.1 In considering the recommendations made in relation to Policy 20, CNPA welcomes the support for the inclusion of the policy, and the need to secure developer contributions to offset the impact of development.

1.2 The reporters note the reliance of the CNPA on community needs assessments to inform this policy. Whilst CNPA accept it would have been ideal to have these assessments complete at the time of developing the policy, CNPA has rolled out a programme for the completion of this work. With limited resources, and as a new organisation, CNPA feels that this work is progressing well, and will be invaluable once complete.

1.3 The reporters make a comment regarding the use of the term ‘planning authority’ as opposed to ‘local authority’. CNPA accept the need to be clear on the use of such terminology and have checked, and where necessary amended, the document as a whole to review this.

1.4 The reporters go on to comment on the possible need to use legal agreements to implement this policy. The policy refers to Section 75 agreements, but CNPA accept that there are other forms of legal agreement that could be used. The reporters note that legal agreements and any contribution only occur where the matter in question relates to the impact of the proposed development and where the impact could not be dealt with through other legislation or the use of planning conditions. CNPA accept that including such detail provides additional clarity to the reader and accept the need to change the text of both the policy and para 5.16. The glossary will be amended to reflect this.

1.5 The reporters go on to give some comments on what should be contained with the supplementary guidance which is being prepared to support this policy. Within this the reporters suggest that Table 1 be moved into the guidance, as this level of detail should not be contained within policy. CNPA welcomes such suggestions to make the plan more focused, and will make the appropriate change. The comments are all noted by CNPA and the supplementary guidance will follow all the recommendations set out in para 23.11 of the Reporters recommendations. An additional reference will also be added to the background text to the policy to clarify that this guidance is being used to provide additional detail to the policy.

1.6 Finally the reporters consider the text does not adequately explain how the policy will be monitored. CNPA accept that this is not explicit, and will add an additional paragraph to clarify that the policy will be monitored by analysing the contributions made as a result of the policy, and an assessment of the impacts those contributions have made on the ground.

2. CNPA Decision

2.1 Accept the need to review the plan in total to ensure the terms 'planning authority' and 'local authority' are used correctly

2.2 Accept the need to include reference to legal agreements other than Section 75 both within the policy text and in para 5.16 and clarify the instances when these would be used. Amend the glossary to reflect this change.

2.3 Accept the need to amend para 5.21 to clarify that the policy will be implemented with the assistance of supplementary guidance on the topic.

2.4 Accept the suggestion that Table 1 should be removed included rather in the supplementary guidance.

2.5 Accept the need for an additional paragraph to explain that the policy will be monitored by reviewing the contributions made and the way in which those contributions have been used on the ground.

3. Changes to plan needed to address decision

3.1 Ensure the proper use of the terms planning authority and local authority throughout the plan.

3.2 Include reference to other forms of legal agreements both within the policy and in para 5.16, add text to clarify the circumstances under which such agreements will be used, and amend the glossary accordingly.

3.3 Amend para 5.21 to clarify the use of supplementary guidance.

3.4 Remove table 1 to the supplementary guidance

3.5 Add a final para to explain how the policy will be monitored.

Policy 20-18 Developer Contributions

Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Such contributions will be consistent with the scale and nature of the development proposed and may be secured through a Section 75 Agreement or other legal agreement where necessary.

Development which necessitates decommissioning of plant, structures or associated infrastructure will be required to provide an appropriate bond to cover the costs of remedial, restoration or reinstatement works.

5.16 Many developments may lead to additional infrastructure or service requirements that would need to be met to allow the development. If these issues cannot be resolved through planning conditions imposed on the planning permission then a Section 75 or other legal agreement may be an appropriate mechanism to secure the development.

5.17 Scottish Government guidance on such agreements is provided in Circular 12/1996 which states that planning authorities should only seek contributions from developers if, in land use planning terms, it would be wrong to grant planning permission without them. Any agreement and contribution arising from this policy will only occur where the matter in

question relates to the impact of the proposed development and where that impact could not be dealt with through other legislation or the use of planning conditions. Developer contributions can help to overcome problems in granting planning permission by reducing, eliminating or compensating for some negative impacts. The contribution will be based on meeting the costs of infrastructure which is necessary as a consequence of that development.

5.18 Although it is unrealistic for the local authorities in the Cairngorms National Park to anticipate every situation where the need for a developer contribution will arise, a number of themes will generally need to be considered. These are set out with other information and guidance in the supplementary guidance which accompanies this policy. ~~listed in Table I below~~

Para 5.19-5.20 unchanged

5.21 In the implementation of this policy, a pragmatic approach will be taken to the payment of contributions against the phasing of the developments. This is to ensure proposals can progress and adequate account is taken of particular economic constraints or funding regimes affecting development proposals. Supplementary Guidance will be provided to assist in the understanding of this policy and how it will apply to developments.

5.22 The policy will be monitored by assessing the contributions received and analysing their impact in eliminating or compensating the negative impacts of developments.

Delete Table I in full

Issue	Policy 21 Contributions to Affordable Housing		
Reporters	Jill Moody & Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400g(f)
	Scottish Campaign for National Parks		434i/j
	Scotia Homes Ltd		452d/f
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020
	DW & IM Duncan		037j
	James & Evelyn Sunley		056n/o
	Ballater (RD) Ltd		076b
	Mrs Fiona Powell		089
	RB Tozer		098d
	Mr & Mrs WM Houston		096c
	Albyn Housing Association		385a/c
	Roy Turnbull		390
	Homes for Scotland		391a/b/c/ d/e
	The Proprietors of Mar Centre		394j
	Inverburn Ltd		408b
	William Stuart Paterson		409b/c/j
	Dunachton Estate		418l
	The Crown Estate		419l
	Barbara Paterson		426
	Alvie & Dalraddy Estate		439s
	Hamish Jack		440
	Rothiemurchus Estate		446b
	Glenmore Properties Ltd		453j
	Reidhaven Estate		456g
	Davall Developments Ltd		461c
	Phillip Swan		462i
	Mr & Mrs MacAllister		490a
	Mr & Mrs McKeachie		491a
	Mr & Mrs Hempseed		492a
	Heidi Rattray		493a
	Susan Donald		494a
	Mary Mischie		495a
	Katrina Wimbush		496a
	P Brough		497a
	H & BD Wright		498a
	EJ Proctor		499a
	J Adams		500a
	Peter Gray		501a
	Aileen Mutch		502a
	Anna Hauley & Gavin Hedges		503a
	Mr Ian Duncan		504a

	Robert Moir		505a
Objectors	Occupier, 18 Sir Patrick Geddes Way, Ballater	Objection refs	506a
	Mane Fraser		507a
	A Esson		509a
	Linda Johnston		510a
	James Clark		511a
	Fred Vincent		512a
	Ian Black		513a
	Brian Gibson		514a
	Allyson Meechan		515a
	Mr & Mrs Hepburn		516a
	Helen Murray		517a
	Alan Henderson		518a
	Mr & Mrs D Milne		519a
	Mr A Myddleton		520a
	Mrs A Redland		521a
	Mr & Mrs Taylor		522a
	Mr J Cooper & Ms M Majzlikova		523a
	Occupier, Roaring Stag, Braemar		524a
	Occupier, Mar Cottage, Cambus o May		525a
	Jane Reynard		526a
	Mr W Sim		527a
	Mrs E MacNamee		528a
	E Black		529a
	Occupier, Rinelen, Glen Gairn		530a
	Graham Adams		531a
	WJ Romily		532
	Mr & Mrs Burrows		533
	Gordon Chaplin		535a
	Mr & Mrs S Barns		536
	Victor Jordan		537
	Capt J Schuneman		538a
	Frances Gibson		539a

Extract from the Reporters Report

Conclusions

24.47 In drawing all of this together and based on the above, we conclude that the issue of affordable housing is a considerable problem for CNPA and the CNPLP to address. It is also an appropriate planning consideration that stems from national and strategic planning policy, including in the CNPP 2007. Therefore, in general, Policy 21 meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy guidance.

24.48 We have found that the application of Policy 21 to the sites identified in the housing land allocations will contribute towards achieving the affordable housing

outcomes for 2012 in the CNPP 2007. However, we have been unable to find through successive versions of the local plan or in CNPA's inquiry evidence, a succinct and readily understandable explanation of how CNPA intends to maximise the supply of affordable houses at the places where they are most needed within the life of the local plan. Accordingly, we are not entirely satisfied that Policy 21 identifies clearly enough the kinds of development that will and will not be permitted and, on the available evidence, we can only conclude that the nature and location of the housing land supply favoured by CNPA has been the critical factor.

24.49 Faced with the imperative of providing as many affordable houses as possible, but in the absence of any clear idea of the total number of affordable houses needed in each settlement within the Park, the CNPA approach has been to allocate substantial greenfield areas for the development of new open market housing and to devise a policy whereby the developers of these sites make a cash or kind contribution towards the provision of affordable housing. We have considerable reservations about this overall approach, especially bearing in mind the impact of the current economic downturn on house building. Further, from our experience, we find it probable that providing a more generous supply of market housing land than is required will encourage greater second home and ownership by retired persons, to further skew demographics and undermine the contribution of development to vibrancy of the local economy. In short, it will not make enough specific contribution to the needs of young and employed residents towards achieving sustainable communities. We are firmly of the view that CNPA's approach lacks the precision and refinement needed to meet the considerable magnitude of the affordable housing challenge. However, we do not advocate the removal or substantial amendment of Policy 21 because:

- the policy approach is compatible with relevant planning policy at all levels, including with the strategic objectives of the Park;
- its implementation will contribute to the CNPP 2007 outcomes for 2012; and
- it will make some limited but much needed contribution towards addressing the affordable housing shortfall.

24.50 We have set out elsewhere in this report our serious reservations about the amount of the housing land supply in the local plan. We recall also that the commissioned research did not provide a guide to the number of affordable housing units required for any of the settlements in the Park. Unfortunately, these deficiencies have been taken forward through successive drafts of the local plan. In short, we conclude that the local plan is not sufficiently clear or focussed enough on the scale and distribution of affordable housing that can be delivered. However, the supporting text commits to monitoring these outcomes during the lifetime of the local plan, so that if, as seems highly likely, the overall policy approach fails to deliver affordable housing in a timely, efficient and effective manner, the review process will reveal that shortcoming and create an opportunity for review. We strongly recommend that review should examine in more depth the potential value of the various options rejected by CNPA, including the examples provided from other UK national parks and the occupancy restriction for new dwellings. Other research should include the capacity of particular allocated sites to deliver affordable housing and the amount needed per settlement.

24.51 We are not persuaded that the criticisms presented of the CNPLP thresholds and percentage approach are so damaging that they lead inevitably to the conclusion that, at this stage, it should be abandoned in whole or in part in favour of occupancy restrictions. Nevertheless, we are not convinced that Policy 21 can ensure that the delivery of affordable housing is maximised in the life of the local plan and, related to that, that the local plan sufficiently clear about the scale and distribution of affordable housing that can be delivered in the settlements. Given these circumstances, we suggest that the outcomes of the policy for the Park and for each settlement should be monitored closely to provide sufficiently robust evidence to show that restrictions on the occupancy of new dwellings in some or all circumstances would not be a useful way forward.

24.52 We have noted the absence of a clear link between what might properly be regarded as policy and associated supporting text including that which deals with its background, justification, implementation and monitoring, as well as that which appears in Appendix 2. We have also noted considerable repetition and scope for misinterpretation. Therefore, we conclude that the associated plan text which deals with the background and justification for the policy as well as the manner of its implementation and monitoring is not entirely soundly based. Against this, we note CNPA's commitment to prepare detailed supplementary guidance covering how the affordable housing requirement will be delivered, and we consider this should be linked into the local plan and progressed after full consultation without delay. In this way, any residual doubts about how the policy will be operated can be resolved.

24.53 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

24.54 Accordingly, with the considerable reservations and necessary further action noted above firmly in mind, we nonetheless recommend that Policy 21 Contributions to Affordable Housing as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and generally as amended by the third set of officer proposed post inquiry modifications (CD 7.28) should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

24.4 ... The affordable housing section of the finalised version of the CNPLP, which incorporates the 1st and 2nd Modifications, omits that definition and makes no substitute. Appendix 2 of that version of the local plan is inconsistently titled Housing background on the contents page and Affordable Housing on page 111 and is not cross-referenced with the relevant policy section. Nevertheless, Appendix 2 substitutes the definition used in national planning policy SPP 3: Planning for Homes, which is housing of a reasonable quality that is affordable to people on modest incomes. Thus Appendix 2 uses a nationally consistent and generally accepted definition, but because there is no clear connection between the finalised version of the local plan and its appendix, users must inevitably experience considerable difficulty firstly in establishing what definition of affordable housing CNPA has used in the local plan and secondly, in understanding how that has been used in the context of the local plan. It seems to us that the simplest solution to the

second part of this difficulty would be to incorporate the SPP 3 definition into the plan glossary.

24.16 ... the commissioned research cannot provide a guide to the number of affordable homes that each settlement requires and it cannot assist in the allocation of housing land within those settlements to meet the affordable housing need. CNPA must address these settlement specific shortcomings in the future as a more locally consistent and appropriate information base develops.

24.17 ... Policy 24 from the finalised version of the plan, which deals with the same subject, adds impact on landscape setting as an additional criterion. Our main concern here is that and/or raises doubt over whether all criteria must be satisfied, in which case it should be and for each stage, or whether one criterion or another is all that must be addressed.

24.18 ... The principle of a cash or kind contribution accord with national planning policy as well as with the extant development plan.

24.20 ... it sets a baseline assumption that the majority should be social rented, with a clear minority of other kinds, which could include serviced plots (paragraph 5.52). However, the balance between these types can vary and developments of as few as 2 or 3 homes should not include social rented housing. This general approach seems to us to be satisfactory because it means that every development contributes to addressing the problem of affordable housing provision, and the greater part of that contribution should be in the form of social rented housing.

24.22 ... given the amount of duplication with the finalised local plan text, the simplest solution might be to delete Appendix 2 entirely, and to rationalise any essential content with the policy, as well as with its supporting text and the intended supplementary guidance, as appropriate.

24.24 ... We consider that the dispersed settlement pattern of the National Park area, the comparatively small scale of the settlements within it, and the lengthy and often awkward travel connections between many of these settlements are factors that combine to justify greater local provision and a lower threshold than PAN 74, especially as PAN 74 is only advisory. Therefore, we are satisfied that in general, CNPA's threshold approach creates a satisfactory framework whereby virtually every housing development site should contribute in some cash or kind way, with only the larger sites being expected to make an on-site percentage provision.

24.30 ... while the percentage figures now chosen are more soundly based and robust than the range used in the deposit plan, and they are unchallenged by evidence of equivalent weight, we consider that CNPA must provide clearly and obviously for a contribution of some kind from unsubsidised developments.

24.33 ... any such toolkit must be developed in consultation with the industry and should be clear and transparent.

24.46 ... CNPA did not produce firm, quantifiable evidence to justify either the above arguments or the exclusion of occupancy restrictions and we recommend further detailed research and consideration of this approach.

1. CNPA Analysis and Comment

1.1 In considering the recommendations and suggestions made by the Reporters in regard to the approach taken to affordable housing, their review begins with an assessment of the definition of affordable housing. CNPA accept that placing the definition in an appendix which is not cross referenced will lead to inevitable confusion for the reader. Also placing any definitions outwith the glossary, where one would normally expect to find the explanation of terms is unhelpful. CNPA has throughout, expressed its desire to improve the clarity to the reader wherever possible and therefore accept the best place to include the definition is in the glossary.

1.2 In terms of what that definition states, the Reporters suggest the use of the definition contained within SPP3. However SPP3 has now been superseded and the new SPP gives a broader definition ‘as housing of a reasonable quality that is affordable to people on modest incomes.’ This is echoed in PAN 74, and CNPA therefore consider the use of this most current definition is the most appropriate one to use.

1.3 The Reporters go on to endorse the provision of land to accommodate affordable housing, which is in line with government guidance, and find that the policy is compatible with relevant national and strategic planning policy, which is welcomed by CNPA. CNPA also welcomes the conclusion that a cash or kind contribution is acceptable for almost all housing developments.

1.4 CNPA also welcomes the Reporters review of the commissioned work on which CNPA has based its approach. They accept that the conclusions of this research are the most reliable evidence on which to base the local plan policy for affordable housing. The Reporters do however recognise a tension between the level of growth needed to eliminate the need for affordable housing and what the local plan policy response can achieve realistically to reduce the problem in the plan period. They also have concerns about the way in which the geographical breakdown by settlement has been quantified. The research therefore cannot provide a guide to the number of affordable homes required by settlement, and cannot assist in the allocation of housing land within those settlements to meet the affordable housing need. CNPA accept this criticism of the research. The commissioned work did not focus on the need by settlement, or the ways in which housing land could be allocated within those settlements to meet the identified need. CNPA continues to work with communities to identify precise local need for affordable housing, and this work, being done as part of the community needs assessments will be used to better inform the Local Development Plan.

1.5 The Reporters are of the view that the approach taken to secure affordable housing via the allocation of land for open market housing, with an affordable housing contribution secured through this policy is a blunt approach. CNPA has accepted the need to review its approach for future local development plans, and is

commissioning further research into alternative ways to provide affordable housing to meet local need. However CNPA welcomes the support from the Reporters that the majority of affordable housing provided should be social rented. CNPA agrees that this approach will ensure every development contributes to addressing the problem of affordable housing provision, and the greater part of that should be in the form of social rented housing.

1.6 In looking at the wording of the policy, the Reporters agree that all housing developments contribute to addressing the problem of affordable housing, but that public subsidy must be relied on as a mechanism to decide the differing amount of affordable housing to be realised from each site. To clarify the position for the reader regarding what is expected as a result of the policy, the Reporters suggest deleting Appendix 2, deleting any repetition with the background text for policy 21, and including any additional text within at that part of the policy background. Supplementary guidance for this policy could then include any additional detail not appropriate for the policy. CNPA accept that the inclusion of an appendix has not achieved its intended aim, which was to provide additional clarity of the reader. CNPA is committed to the production of supplementary guidance for this policy, and accept that it will improve clarity to include background text for the policy which gives a clear background and justification, and explains how the policy will be implemented and monitored. All other detail will be included in the supplementary guidance.

1.7 In looking at additional evidence that might be needed to inform the Local Development Plan, the Reporters consider there is a need for additional information which reviews the distinctive nature of the housing markets found in the Park. CNPA accept this as a good suggestion which will be taken up in the preparatory work for the Local Development Plan.

1.8 The Reporters go on to list a number of deficiencies of the policy, but accept that these issues can be tackled in the supplementary guidance. CNPA has already given its commitment to the production of this supplementary guidance, and agrees that the information listed should be contained within it to ensure the policy can be properly understood and implemented. CNPA accept that there should be a clear direction to the reader to the supplementary guidance, and this will therefore be included in the background text to the policy.

1.9 The Reporters go on to review the % that might be justified in comparison to the benchmark of 25% given in SPP3. CNPA welcomes the recognition that the National Park is exceptional because it suffers a considerable shortfall in affordable housing. CNPA also welcome the recognition that the settlement pattern in the Park, the small scale nature of the settlements, and the often difficult and lengthy travel connections between settlements justifies the requirement for virtually every housing development to contribute in some cash or kind way, with only the larger sites expected to make an on site percentage provision. CNPA agrees that it is justified to give a percentage figure above the benchmark in recognition of this position. They go on to accept that the figures given in the finalised plan through the 2nd modifications as more robust than the deposit plan. However the Reporters consider that policy should provide clearly and obviously for a contribution of some kind from unsubsidised developments. CNPA consider the policy is clear in this, stating that

where there is less than one third of the costs available through public subsidy, the developer would be required to provide 25% affordable housing.

1.10 The policy described briefly the use of an economic model to support this policy. The Reporters have reviewed this use of a technique which would introduce an element of negotiation into the implementation of the policy. They find that the wording of the policy does not reflect this possibility for flexibility. The Reporters are of the view that this approach is contrary to national planning policy which stresses the need to reduce negotiations and provide clear guidance. CNPA accept this is the case but are of the view that the use of the model may provide a way of addressing changes in the market and the economy over time. CNPA is committed to the production of Supplementary guidance to give additional clarity to the policy as a whole, and will include a clear explanation of the model, and the way it will be used to support the policy. The supplementary guidance will be fully consulted on in the normal way, and will be available at the time of the adoption of the plan.

1.11 At the inquiry CNPA tabled a suggested further change which it would be willing to take forward as a post inquiry modification. The Reporters in looking at this see that it conflicts with the previously accepted research and consider that it provides no sound basis for the change. In their reasoning they find that these late proposed changes are a 'considerable step backwards from the original standpoint' and CNPA is therefore surprised to see that the recommendations suggest including these changes into the final policy. CNPA accept the reasoning that the late changes do not properly reflect the original standpoint whereby every development must contribute to addressing the affordable housing shortfall. The Reporters are of the view that this possible solution would reduce the amount of affordable housing achieved. CNPA is therefore keen to ensure the final policy is the one best designed to provide the most affordable housing to meet the shortfall. In reading the reasoning, CNPA are of the view that it is not the Reporters intent that the third set of modifications are followed. CNPA therefore accepts the recommendation that the policy is taken forward in line with the 2nd modifications which have been fully consulted on.

1.12 In looking at the development of 100% affordable sites, the Reporters consider that sites for such development should be identified on the proposals maps. They go on to highlight their concerns over the amount of information available on a settlement by settlement level. However they do go on to acknowledge that policies exist to consider developments within settlements which are for 100% affordable housing. CNPA accept that the identification of sites in the proposals maps is in accordance with SPP3. Through its previously stated commitment to gather community based information to inform the Local Development Plan, CNPA accept that this would be an appropriate way forward in the future.

1.13 In looking at the way in which the policy will be implemented the Reporters review the reliance on Section 75 agreements and planning conditions. CNPA welcomes the acknowledgement that this is an acceptable way forward, and is supported by PAN74 and SPP3. In particular, in their review of the approach to retain properties as affordable in perpetuity the Reporters consider that a strong message must be sent out from the outset. CNPA accepts that this solution may not be appropriate as a general application but welcomes the acknowledgement that it

does have merit in a more restricted application. Before any more general application, CNPA accepts the need to conduct more research to support such a stance. In considering the use of Rural Housing Burdens, CNPA accepts that this is defined in CNPP 2007 as a way of ensuring properties stay in the affordable housing stock. To create a clearer link with the CNPP 2007 CNPA accept that reference to this burden should be included within the background to the policy.

1.14 Finally the Reporters look at the possible use of occupancy or residency restrictions as used in other National Parks. CNPA has previously rejected this approach, but accept that moving towards the Local Development Plan and a review of the National Park Plan there is merit in reviewing existing evidence to give a clear and definitive decision on this option of delivering affordable housing. This will be undertaken as part of the preparatory work on the Local Development Plan. Together with this, CNPA will include a review of the capacity of sites to deliver affordable housing and also complete work to identify need per settlement through the community needs assessments.

2. CNPA Decision

2.1 Accept placing the definition of affordable housing in the glossary. Use the definition given in the new SPP.

2.2 Delete appendix 2, moving the contents to the policy; review the background and justification for the policy to avoid repetition and include within supplementary guidance any other detail needed to clarify the policy to the reader.

2.3 Include a clear statement to highlight the existence of the supplementary guidance which supports this policy.

2.4 Accept that to create a clearer link with CNPP 2007 reference should be made to rural housing burdens.

2.5 Accept the need to provide more robust evidence as we prepare the Local Development Plan and review the National Park Plan.

2.6 CNPA does not however accept the final part of the Recommendation which states that the policy taken forward should be based generally on the third set of officer modifications, since it seems clear from reading the reasoning set out by the Reporters, that this is not their intention.

3. Changes to plan needed to address decision

3.1 Amend the supporting text to the policy to incorporate any background information taken from Appendix 2 which provides additional clarity to the reader. Amend the supporting text to reflect the CNPP 2007 mention of Rural Housing Burdens.

3.2 Amend the text to clearly refer to the supplementary guidance which will support the policy.

- 3.3 Include a definition of affordable housing, as given in SPP in the glossary
- 3.4 Delete appendix 2 in total.

Policy 21 19 Contributions to Affordable Housing

Policy wording unchanged

Background and Justification

5.42 text unchanged

5.43 Research into housing need in the Cairngorms National Park ~~carried out by Heriot-Watt University~~ demonstrated that the number of households considered to be in housing need (including being unable to access housing on the open market) was greater than the number of dwellings being built through programmed delivery of affordable housing by public subsidy agencies, the housing associations and local authorities. ~~In support of this research, the subsequent study 'Planning for Affordable Housing in the Cairngorms National Park' by the School of the Built Environment, Heriot-Watt University and Three~~

~~Dragons, 2007 identified~~ Further research went on to identify an estimated need of 121 affordable dwellings per annum, and this policy supports the proposed land requirement of the Local Plan by ensuring an increased rate of supply of housing for those in need in the Park. The local plan policy also supports the ongoing objectives of the Local Housing Strategies affecting the Park area. A full version of the research work is available – www.cairngorms.co.uk

Implementation and Monitoring

5.44 This policy will be used by planning authorities to ensure that many housing units built in the Cairngorms National Park will be for households in housing need who wish to live and work in the Park or areas close to its boundary. ~~To assist in this supplementary guidance looking at the mechanics of delivery affordable housing will be produced.~~ In delivering the policy, the National Park Authority will work closely with housing providers to seek as high a proportion of affordable units as possible to meet local demand. Proposals for affordable housing alone will not be required to incorporate open market housing.

5.45 – 5.46 text unchanged

5.47 The planning authority ~~will~~ ~~may~~ make use of conditions and Section 75 Planning Agreements to secure the implementation of these policies with

developers and retain the units as affordable in perpetuity. To retain the mixture of stock provided through this policy, the ability to extend such dwellings ~~will~~ ~~may~~ also be controlled by the removal of permitted development rights.

5.48 ~~It is proposed that~~ Applicants and those eligible for any of the forms of affordable housing developed under this policy will be taken or nominated from the housing waiting lists of the local authorities, housing associations or from another organisation with an allocations policy appropriate to the Cairngorms National Park. The National Park Authority will continue to work with the relevant organisations within the Park to develop their allocations policies to ensure they are as responsive to the needs of individuals and communities in the Park as possible.

5.49 – 5.51 text unchanged

Appendix 2 – Affordable Housing

Affordable Housing

For the purposes of the Local Plan, affordable housing is defined as housing of a reasonable quality that is affordable to people on modest incomes. Where houses are for purchase, savings and existing equity may also impact on this. To achieve this affordable housing will be offered to households in housing need who are unable to afford to buy or rent a home on the open market, and will cost less than market sale price or rent in perpetuity to the owner/tenant and subsequent owners/tenants.

There are a wide range of delivery options available. The following list is extensive but not exhaustive as changing funding streams, and innovative forms of delivery are being developed continually, and the National Park Authority are keen to ensure that no realistic mechanism is excluded. For the purposes of the Local Plan affordable housing can therefore include:

- I. **Social housing for rent** provided by Registered Social Landlords and/or local authorities;
- II. **Low cost home ownership properties funded by public subsidy** (eg Shared Equity, Rural Home Ownership Grant, Grant for Ownership);
- III. **Housing rented at affordable levels** agreed with Scottish Government and based on local income levels (eg proposed Scottish Rural Property and Business Association – SRPBA – rent model) as well as property condition, management arrangements and allocation policies;
- IV. **Low cost home ownership properties funded by developers.** The homes will be built to an agreed standard and sold at fixed prices (agreed with the local authorities to be affordable to a particular group and in line with local housing strategies) to buyers nominated by local authorities or bodies appointed by them. The discount in the property is the difference between the fixed sale price and the market price of an identical property. Future sale of such properties will be retained as affordable through the use of legal agreement or burden placed on the property;
- V. **Housing built on serviced plots that have been discounted** so that the gross cost of land and a completed house would be less than or equal to the Scottish Government benchmark costs for an equivalent house – plots of this type would normally be sold to self-builders. Future sale of such sites will be retained as affordable through the use of legal agreement or burden placed on the property.

In addition any other housing that costs less than the market rate to the first buyer/tenant will be considered by the Cairngorms National Park Authority in conjunction with the local authority and Scottish Government, as an alternative form of affordable housing delivery.

How we plan to identify those in need of affordable housing:

Policy 21 aims to increase the total supply of affordable housing for rent and for purchase. This means that more people will be able to rent or buy affordable homes. The most effective way of ensuring a fair selection of potential tenants and owners of affordable houses within the National Park is by using the existing housing waiting lists or common housing register. Anyone can put their name on to the housing waiting list, and it is proposed that all potential tenants and buyers of affordable housing in the Park do so in order to be nominated into an appropriate form of housing developed through the Local Plan's policies.

Potential tenants and buyers are then ranked in accordance with local authority housing allocation policies or other criteria for low cost home ownership set by them.

How we established the need for affordable housing

To work out how many houses to provide for in the Local Plan, the Cairngorms National Park Authority commissioned Heriot Watt to look at both need for housing and, in particular, how much of that should be affordable housing. The study considered a wide variety of influences including economic and demographic changes. Population and household projections based on local authority figures and a separate study undertaken for the National Park Authority by the University of Manchester indicate significant growth in the period to 2016, with the number of households growing by 20% between 2002-2016. Particular growth is expected in single person households and the population is expected to be an ageing one.

The supply within the existing stock is affected by two key influences. Second or holiday homes make up approximately 20% of the housing stock which cannot be considered effective as it does not provide permanent housing to meet the local demand. Secondly the area has a high proportion of owner-occupiers who own their properties outright. This affects the amount of houses that come onto the open market, as such owner-occupiers are less inclined to move as they are not normally seeking advancement on the housing ladder. The private rented sector is relatively large, but, as in other areas, the council house sector is in continual decline.

In summary therefore the housing needs results showed the net need per annum of 132 units across the area. This figure is fairly large, particularly when compared to current house completion projections are looked at. These stand at 115 completions a year, which could indicate that all new houses would need to be affordable to meet the need. However, clearly this would not be achieved as public funding would not stand such subsidy, and without it some level of open market housing must therefore subsidise affordable provision.

How we set the requirement for affordable housing

Two standards have been set as a requirement for affordable housing. The first, where less than a third of the necessary funding for the development is available through public subsidy a 25% requirement is in line with the standards set by the Scottish Government in Planning Advice Note 74.

On sites where more than one third of the necessary funding for the development is available through public subsidy a 40% requirement is set. This is based on a study commissioned by Communities Scotland and the Cairngorms National Park Authority and undertaken Heriot Watt University and Three Dragons Consultancy. The work used a model based on residual land values, or the bottom line for discussing the viability of development. In very simplistic terms, the study supports the standard of 25% where no grant or public subsidy is available. If a higher level is set, public subsidy must be assured. The study considered two alternative standards, 40% and 50% and concluded that neither would be realistic without grant. Even with grant in place, a 50% requirement would not normally be a realistic option. This scale of affordable provision would therefore only work in cases where normal costs did not apply, such as situations where land is provided at less than market value for example. Where the requirement is set at 40% the provision on-site does however remain viable, as long as grant funding is in place.

These standards have therefore been incorporated into the policy. There is however a recognition that the model and the calculations were based on a particular set of economic conditions, and where it alters, for example a fall in house prices, some adjustment may be required. To this end, the Cairngorms National Park Authority is commissioning a toolkit based on the model used, and it will be used internally to ensure that the requirements set reflect the most up to date information regarding economic conditions. The model will allow for a more detailed consideration of development economics and will also be used in the monitoring of the policy and will influence any review of policy for future local plans.

A full version of the study 'Cairngorms Housing System Analysis' February 2006 is available on request. A full version of the study 'Planning for affordable housing in the Cairngorms National Park' March 2008 can be viewed at www.communitiesscotland.gov.uk as Report 99 in the research publications section.

Issue	Policy 22 Housing Development within Settlement Boundaries		
Reporters	Jill Moody & Hugh M Begg		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400k
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037i
	Muir Homes Ltd		038m
	Mr & Mrs Houston		096c
	James Hall		371c
	The Proprietors of Mar Centre		394k
	Dunachton Estate		418k
	Alvie & Dalraddy Estate		439r
	Phillip Swan		462j

Extract from the Reporters Report

Conclusions

25.22 Based on all of the above, we are satisfied that Policy 22 meets the strategic objectives of the CNPP 2007 and it accords broadly with relevant national planning policy and guidance. However, within that context, Policy 22 lacks a clear focus in seeking to fulfil the strategic objectives of the CNPP 2007 and its definition of sustainable communities is inconsistent with the use of that important term elsewhere and notably in national guidance. These matters must be rectified. We further conclude that Policy 22 does not identify clearly enough the kinds of development that will and will not be permitted. We can also see considerable scope for improving and clarifying the way in which the policy and its supporting text are worded.

25.23 Lastly, we are satisfied that although it would be inappropriate and unnecessary to incorporate explicit links to other local plan policies or exemptions for local plan proposals, Policy 22 would benefit from supplementary guidance. However, like the development briefs mentioned in the text, this guidance should be the subject of the widest possible community consultation.

25.24 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

25.25 Accordingly, subject to a substantial redrafting of the policy wording and of the supporting text, which should address in particular:

- the definition and application of the term sustainable communities and of the settlement hierarchy;
- the clarity of what is needed to comply with criterion (b);
- the definition to derelict and underused land;
- the reference to housing growth; and

- the deletion of the unjustified 75% benchmark.

We recommend that Policy 22 Housing Development within Settlement Boundaries should be taken forward from the Deposit Local Plan Modifications (1st and 2nd) October 2008 into the adopted local plan.

Additional Suggestions/Reservations to be addressed

25.5 ... CNPA provided the following definition of sustainable communities: a population level and mix that meets the current and future needs of its communities and businesses, focussed around settlements where services, networks, expertise and experience support the population. As we have stated elsewhere, including against Policy 17 Improvements to Settlements, we find that this definition lacks consistency with the CNPP 2007, with other parts of the local plan, and with various parts of the inquiry evidence. In the context of Policy 22, we find a further difference between the definition and the supporting text because there is no reference, either explicit or implicit, to the theme of residential quality, which is a substantial shortcoming.

25.6 Further, SPP 3: Planning for Homes describes sustainable communities as providing high quality affordable homes for all sectors of the community, with opportunities for the creation of jobs, provision of education other services necessary to enable high standards of living, cultural identity and creation of environments which encourage healthy and active living. They should fit well in the local landscape, maximise the opportunities of the location and should be fully integrated with both public transport and active transport networks, such as footpaths and cycle routes, rather than being dependent on the car. They should make a significant contribution to reducing emissions of carbon dioxide (paragraph 50). CNPA has not explained why this ready made definition has not been followed. Nor is there any reference in Policy 22 to the theme of residential quality which was referred to in the CNPP 2007 and also in SPP 3. We find that this is a substantial shortcoming.

25.7 From the above, we find that Policy 22 lacks a clear focus and intent in seeking to fulfil the strategic objectives of the CNPP 2007. Policy 22 is also inconsistent with other applications of the same theme in the local plan and beyond. However, the matter could be rectified by adjusting the supporting text justification.

25.11 ... we note a reference to derelict or underused land that is also not explained or defined. If CNPA means this to refer to brownfield land, the plan should say that, especially as the term has a clear, particular, and generally recognised meaning including in national and strategic planning policy.

25.12 SPP 3 defines brownfield as land which has previously been developed. The term may cover vacant or derelict land, infill sites, land occupied by redundant or unused buildings, and developed land within the settlement boundary where further intensification of use is considered acceptable (page 29). PAN 73: Rural Diversification, which applies generally to rural areas and not just in the context of housing development, defines brownfield as sites that have previously been developed. In rural areas, this usually means sites that are occupied by redundant or unused buildings or where land has been significantly degraded by a former activity (paragraph 33). However, we note with concern that brownfield is defined differently in the finalised local plan glossary as land previously used for industrial or commercial uses that has the potential to be reused once any contamination, waste or pollution has been cleaned up.

Reuse of abandoned rural dwellings will not be considered as brownfield. CNPA has not explained the reason for these differences and, if something different again is intended in Policy 22, which may be for good reason, the departure must be explained and justified and an alternative definition must be provided. We recommend reconciling the finalised local plan with national planning policy in SPP 3.

25.14 ... CNPA conceded in the hearing discussion that the finalised version of the supporting text to Policy 22 could be streamlined and clarified, with much repetition removed. An opportunity was also recognised to consolidate part of the implementation and monitoring text with other plan policies.

25.16 ... We are in no doubt that the imperative for Policy 22, as for all other policies in the CNPLP, is that it complies in full with the strategic objectives of the CNPLP 2007 that flow from the 4 aims of the Park. From that, in considering any apparent conflict, section 9 of the National Parks Act means that the first aim must take precedence. Drawing these matters together, we find that the terms of the policy as well as the associated text must be clarified to explain this and to remove any suggestion of support for unrestricted growth in the National Park.

25.17 ... we note that the finalised local plan text for Policy 22 (paragraph 5.52) refers broadly to the notion of a settlement hierarchy. This notion is expanded elsewhere in the finalised local plan, including especially in Section 7 Settlement Proposals. While we have no particular disagreement with CNPA using this approach, we are extremely concerned that the finalised local plan offers no clear assessment of why this approach has been adopted, of how each tier within the hierarchy has been defined, and of how each settlement placing is justified. ... Policy 22 applies to every settlement irrespective of its placing in the hierarchy, we suggest that all reference could be deleted from the Policy 22 text.

25.21 ... we consider that the monitoring section needs substantial redrafting to apply directly to the application of Policy 22, without repeating and confusing the outcome of other policy subject areas.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to Policy 22, they begin by repeating the previously made point relating to the definition of sustainable communities. CNPA has already accepted, under Policy 17 that the inclusion of clear definitions within the glossary will improve clarity for the reader.

1.2 The Reporters go on to assess the appropriateness of having a policy to assess development proposals within settlements, and conclude that it is in line with national and strategic guidance, and whilst they express a concern over how the settlement boundaries have been established, CNPA welcomes their support for the general approach.

1.3 The Reporters then review the definition of brownfield land given in the policy. CNPA accept that the definition as given has raised some confusion from objectors, and CNPA therefore concede that the simplest and clearest definition to use would

be that given in SPP3. This definition has been carried forward into the new SPP and CNPA will therefore add this definition to the glossary.

1.4 In terms of the wording of the policy, the Reporters note the CNPA conceded there was room for streamlining. CNPA maintains this position, and will amend the text accordingly. Specifically in paragraph 5.52 the Reporters consider the wording implies a policy that facilitates growth. CNPA consider the policy is intended to provide a mechanism for the consideration of applications for housing development within settlement, rather than one which facilitates inappropriate growth. CNPA concede that the wording selected does not adequately reflect this aim and the first paragraph of the policy will therefore be amended to clarify this.

1.5 The Reporters next look at the settlement hierarchy referred to within this policy. The Reporters come to the conclusion that the policy refers to all housing developments within a settlement boundary, regardless of where it may sit within the settlement hierarchy. CNPA agree that this is the case, and therefore also agree that removal of all reference to the settlement hierarchy will improve clarity for the reader.

1.6 The Reporters consider then the supporting text which refers to a benchmark figure for the provision of smaller units within developments. CNPA conceded at the Inquiry that there was inadequate evidence to support this approach and the Reporters therefore agree that it is most appropriate to remove this from the text.

1.7 The Reporters in their review of how the policy will be monitored conclude that the policy is not intended to maintain the housing land bank, no is it intended to raise the standards of design. CNPA accept these conclusions, and, as above, have conceded that there is a need to clearly establish that the policy is intended to provide a mechanism for the assessment of housing development proposals within settlement boundaries. The inappropriate references within the monitoring section will therefore be deleted.

2. CNPA Decision

2.1 Accept the removal of the reference to landscape setting within the Policy text as inappropriate within an urban context.

2.2 Accept the need to clarify the intent of the policy within the supporting text.

2.3 Accept the need to remove reference to the settlement hierarchy within the supporting text.

2.4 Accept the need to review the implementation and monitoring text to consolidate the text and remove reference to design standards and the housing land bank.

2.5 Accept need to remove the reference to benchmark figures for the provision of smaller units.

2.6 Accept the need to include definitions on sustainable communities, sustainable development, sustainable and brownfield land within the glossary.

3. Changes to plan needed to address decision

3.1 Within the policy text remove the reference to landscape setting.

3.2 Within the background text reword the introductory paragraph to remove any implication of promoting inappropriate growth.

3.3 Delete reference to the settlement hierarchy from the text.

3.4 Delete the text regarding benchmark figures for the provision of smaller units.

3.5 Delete reference within the monitoring paragraph to remove reference to design and land banks.

3.6 Within the glossary include definitions for sustainable communities, sustainable development, sustainable and brownfield land

Policy 22 20 Housing Development within Settlement Boundaries

Settlement boundaries have been identified which indicate the extent to which these settlements may expand during the Local Plan period and new housing development should be contained within these boundaries. Housing proposals within these settlement boundaries will be considered favourably where the development:

- a) occurs within an allocated site identified within the proposals maps; or
- b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. The proposal should reinforce and enhance the character of the settlement ~~and not detract from the landscape setting of that settlement,~~ and can accommodate within the development site appropriate amenity space, and parking and access arrangements.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Housing

~~5.52 The policy is intended to allow for new housing development within the settlements of the National Park, including strategic, intermediate and rural settlements, where the proposal preserves the settlement pattern. These settlements may have existing services that can be used, supported or improved through sensitive development and their growth is key to the aims of achieving and encouraging sustainable communities across the Park.~~

5.52. Within the Proposals maps of the Local Plan a series of settlements are identified, each of which has an identified settlement boundary. The policy provides for the assessment of housing development proposals made within those settlement boundaries. This includes both sites identified within the proposals maps as being allocated for housing development, and also windfall sites which can provide opportunities for new housing on smaller sites not identified on the proposals maps.

5.53 Creating quality residential environments which support sustainable and thriving communities is key to the delivery of the housing objective contained within the National Park Plan. This must be matched with

the sustainable use of resources, integration with services and facilities, and promotion of highest standards in design and environmental quality. The reinforcement of current settlement patterns found across the Park area is key to this ~~and settlements with a particular pattern of development, such as the planned village of Tomintoul, and the use of bothies in Braemar should be protected.~~ The policy will allow for growth in areas in a sustainable way which best uses existing resources, while allowing choice and incremental growth to meet local demand.

~~5.54 Across the National Park, settlements have a wide variety of services, resources, and ability to accommodate growth. In general terms it is expected that strategic settlements will accommodate the majority of housing to meet the need identified for the Park, with intermediate and rural settlements incorporating growth to support these settlements as sustainable and vibrant communities.~~

~~5.55 Within settlements there will also be opportunities for new housing on smaller sites not identified on the proposals maps. Such windfall sites can create opportunities to supplement housing land supply while reinforcing the settlement pattern. Such development should be well designed, and should not have any adverse impact on the landscape setting of the settlement or features of natural and cultural heritage importance within the settlement boundary. The development of such sites should not result in the loss of amenity of surrounding land uses and should be readily serviced.~~

Implementation and Monitoring

5.56 The policy will be used to allow the development of housing within settlements which reinforce and enhance the character of the settlement. Settlements with a particular pattern of development, such as the planned village of Tomintoul, and the use of bothies in Braemar should be protected. Developments should be well designed, should not have any adverse impact on the features of natural or cultural heritage important within the settlement boundary, and should ~~will therefore have to~~ complement the existing scale, materials, and landscaping. Development should not result in the loss of amenity of surrounding land uses and should be readily serviced. For sites allocated in the proposals maps, the National Park Authority will work closely with developers and partners to produce and agree development briefs which detail

the approach to be used in developing these key sites.

5.57 In developing housing proposals within settlements it will be expected that a range of house sizes is provided to reflect the needs of the communities of the Park. ~~The household projections for the Park show that the increase in numbers of households are dominated by one person households and two person 'all adult' households made up of older and also young new households. Many recent developments have focussed on the market's ability to develop higher value homes that are larger and more costly than the homes required to meet this need.~~

~~5.58 Proposals should take into account local community needs surveys, local housing needs studies, local waiting lists or any other information on local housing need collated by the Cairngorms National Park Authority or local authority within the past three years. Where no such information exists a benchmark of 75% two and three bed units will be used as a guide to reflect the findings of 'Planning for affordable housing in the Cairngorms National Park' Communities Scotland, March 2008.~~

5.59 This policy approach endeavours to secure a supply of smaller units while still retaining the financial viability of developments. The principle of achieving a sustainable balance of house sizes will apply to both affordable housing and open market housing.

5.60 The effects of this policy will be monitored through review of planning consents and housing completions ~~within settlement boundaries. The effects of the policy will be reviewed against future housing needs surveys. Through such monitoring the effectiveness of the five-year land supply will be kept under review, and land considered to have capacity for medium to long term growth will be assessed to ensure adequate effective land supply at all times.~~

Issue	Policy 23 Housing Development in Rural Building Groups		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Mr & Mrs Duncan	Objection refs	037k
	Little Tolly Properties Ltd		039
	Lorna Fraser		352
	Rosslyn Oakes & Garry Fowler		353
	The Proprietors of Mar Centre		394l
	Alvie & Dalraddy Estate		439t
	Glenmore Properties Ltd		453k
	Reidhaven Estate		456v

Extract from the Reporters Report

Conclusions

26.18 Overall therefore, while we have no hesitation in finding that the general approach taken in Policy 23 meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy guidance, we are extremely concerned about its detailed expression.

26.19 Our reasons for this conclusion include the lack of definition over the various concepts used, in particular over what might constitute a settlement or a small building group. We also find that these concepts have been used inconsistently in the finalised local plan, to an extent that raises practical problems for any ability to apply Policy 23. Next, we find that the thresholds used to determine building group sizes and then to limit growth are without justification, and we find a general lack of clarity in the supporting text. We also have considerable sympathy with the objectors' view that the finalised local plan suffers a basic lack of clear, cohesive, and transparent vision and we find it extremely difficult to understand how a proposal for an individual site might be assessed. Under all of these circumstances, we conclude that Policy 23 fails to identify clearly enough the kinds of development that will and will not be permitted.

26.20 Finally, we have found considerable scope for streamlining and improving the supporting plan text and we have had difficulty in understanding how it would deal with conversions and extant permissions. We also note issues such as ribbon development which, if they are to be kept in the plan, should be positioned properly as policy not subordinate text. As a result, we conclude that the associated text requires substantial further alteration before it can be carried forward into the adopted local plan.

26.21 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

26.12 ... The finalised local plan changed this to 33% of a minimum group size of 3 homes, which produces potential for slightly less than one home. Clearly this arithmetic does not make sense. Even 34% would be better because that would at

least achieve a growth potential of more than one whole home. An alternative would be to change the size of the group and to revert to deposit plan Policy 26. In addition to highlighting these practical issues, we have stated above our concern that the group sizes chosen are unexplained. The same criticism applies just as much to the percentage thresholds chosen

26.22 Accordingly, we recommend that Policy 23 Housing Development in Rural Building Groups as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should only be taken forward into the adopted local plan once our findings on matters that include definitions, justifications, and explanations are addressed.

Additional Suggestions/Reservations to be addressed

26.17 ... pending this guidance, we find that Policy 23 is not capable of clear and easy interpretation. We are also concerned that the finalised local plan adds all of the above as additional and detailed assessment criteria beyond those set in the policy wording. CNPA should consider incorporating these matters into Policy 23.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to Policy 23, CNPA accept the criticism that the policy has seen considerable change since the Deposit Plan, and that these changes have not always been explained in a suitably clear way to the reader. The changes have come about as a result of objections raised during the various stages of consultation. However CNPA will learn from this need for better clarity in portraying its thinking behind changes as it carries out consultation on the Local Development Plan.

1.2 The deposit plan contained policy 25 which set a figure of 15 or more dwellings to constitute a small rural settlement. In considering the consultation responses to this policy, CNPA were of the view that when taken together, the housing policies did not present sufficient opportunity for limited development outside the main settlements, to meet the aspirations of SPP3. A review of the options for development in the countryside was therefore undertaken. As part of this, building groups were considered to offer some opportunity, consolidating the existing built form. Various sizes of building groups were considered, and a review of the success of similar policies in neighbouring local authorities. Aberdeenshire Council operates a policy whereby limited development can occur within groups of 5 dwellings or more. A review of the number of groups of 5 and also 3 was undertaken across the Park to assess the actual amount of development opportunity that would be created by such a change. From this review and an assessment of the Aberdeenshire experience, it was considered by CNPA that groups of 3 dwellings were more appropriate. This created a limited number of development opportunities in the countryside thus complying with SPP3, without creating an unacceptable level of development which would be contrary to the strategic objectives of the CNPP 2007.

1.3 Although the Reporters suggest an alternative calculation could revert back to that in the deposit plan, CNPA are not minded to follow this suggestion. Although CNPA accept the 33% figure is incorrect, the reversion back to groups being a

minimum of 15 units does not present sufficient opportunity to meet the objectives of the policy. Having therefore established that the group size should be 3, the amount of development to be allowed within that group is assessed. CNPA accept the criticism of the mathematics in selecting 33%. In accepting this as a figure which does not actually allow an additional dwelling to be added to a group, CNPA will change the wording of the policy to refer to 'a third' rather than a figure.

1.4 The figure was chosen to provide limited growth, thus complying with SPP3 without creating a situation where the amount of growth would be contrary to the strategic objectives of the CNPP2007.

1.5 The Reporters go on to review the way in which the policy will be implemented. CNPA has given its commitment to the production of supplementary guidance to assist in the implementation of this policy. It will address the issue of extant permissions and conversions. CNPA do however accept the need to make clear reference within the supporting text to this supplementary guidance.

1.6 In their review of the supporting text the Reporters see some opportunity to streamline, and they also agree with the proposed officer lead modification presented to the inquiry to remove the reference to ribbon development. CNPA accept these suggestions as improving the clarity of the wording.

2. CNPA Decision

2.1 Accept that criticism in providing appropriate clarity in the thinking behind the various changes to the policy.

2.2 Accept the need to revise 33% to a figure which allows the addition of a dwelling to the group.

2.3 Accept the need to review the background text to remove repetition and remove reference to ribbon development.

2.4 Accept the need to refer directly to the production of supplementary guidance.

3. Changes to plan needed to address decision

3.1 Change 33% to 'a third'

3.2 Revise para 5.62 to remove repetition.

3.3 Remove reference to ribbon development.

3.4 Refer within the supporting text to the production of supplementary guidance.

Policy 23 21 Housing Development in Rural Building Groups

Proposals for new housing development as a part of an existing rural building group which comprises three or more occupied dwellings will be permitted where the proposal reinforces and enhances the character of the group, does not detract from the landscape setting, and does not add more than ~~33%~~ **one third** to the existing size of the group within the plan period (based on the size of the group on the date the policy is implemented).

5.61 text unchanged

Implementation and Monitoring

~~5.62 The policy will be used to allow the development of housing attached to small building groups in rural settings where it would reinforce and enhance the character of the group, and would not detract from the landscape setting. To do this developments will need to carefully reflect or complement the scale, materials and details of existing development.~~

~~5.63~~ 5.62 For a development proposal to form a part of a small rural building group it must be demonstrated by the developer that it is connected to the existing building group through integration with existing built form, settlement pattern and landscape features. ~~and therefore will not lead to ribbon development.~~ Proposals that are not demonstrated to be connected in this way to the satisfaction of the planning authority will not be determined using this policy.

5.63 Developments will need to carefully reflect or complement the scale, materials and details of existing development. To assist in the implementation of this policy, supplementary guidance defining a rural building group, and looking at siting, design, and other development considerations will be produced.

5.64 The effects of this policy will be monitored through review of planning consents and housing completions.

Issue	Policy 24 Housing Developments Outside Settlements		
Reporters	Jill Moody & Hugh M Begg		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400g(h)
Procedure	Written submissions		
Objectors	Frogmore Estates Scotland Ltd	Objection refs	026h
	Muir Homes Ltd		038o
	Graham McPherson		100
	Colin Lawson (Builders) Ltd		341
	The Proprietors of Mar Centre		394m/p
	William S Paterson		409i
	AW Laing		410
	Alvie & Dalraddy Estate		439u
	Glenmore Properties Ltd		453l/t
	Reidhaven Estate		456h/u

Extract from the Reporters Report

Conclusions

27.19 Overall therefore, we conclude that the Policy 24 approach to new housing outside settlements meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy. We are also satisfied that, in the main, Policy 24 identifies clearly enough the kinds of development that will and will not be permitted. The policy offers an appropriate balance between protection and encouragement for all housing development in the countryside. Further, we consider that the principle of a sequential approach is appropriate, subject to further thought about where and how that approach is incorporated into the plan, as well as how it is to be applied. An allowance for retiring workers to stay in their local area seems to us to be fair and reasonable, as set out in the finalised local plan. However, we have reservations about the associated text and about some of the terminology used.

27.20 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

27.21 Accordingly, subject to addressing all of the above, we recommend that Policy 24 Housing Developments Outside Settlement as generally set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan. However, we further recommend that particular attention should be paid to:

- explaining the 10 year threshold;
- clarifying Policy 24 and its supporting text, as CNPA now accepts;
- addressing the lack of an information base with a local focus that is currently undermining the ability to implement Policy 24; and

- as with Policy 22, reviewing the definition and use of the phrase brownfield land.

Additional Suggestions/Reservations to be addressed

27.5 ... there is further scope to revisit and improve the clarity of Policy 24. For example, the section on affordable housing mentions and/or but on asking for clarification of which should apply, CNPA has since confirmed that it should be and.

27.7 Policy 24 applies 2 tests to this circumstance, namely that the old house is needed for the replacement rural worker or that the retiring farmer or crofter must be able to show that the land in question has been managed by them for at least the previous 10 years. No explanation has been provided for choosing the 10 year residency requirement as opposed some other time period, and we note that Policy 24 does not apply an additional sequential test whereby sites in settlements or other existing housing options must first be considered and discounted for good reason. The finalised local plan supporting text implies such a test for all circumstances (paragraph 5.67), but the policy only applies it in the context of affordable housing. Clearly this has generated confusion over whether such a test should apply to proposals under sections (a) and (b) as well. If this test is to be applied as an additional criterion, then that should be explicit in the policy wording. Further, if CNPA proposes to apply it in all circumstances, it must first show that the approach is reasonable in the context of section (a) and (b). For example, how rigorously would the requirement to consider a location in a settlement be applied in these particular circumstances.

27.8 ... We note that the Policy 24 text definition is to be found in the local plan glossary as well and we question the need for repetition.

27.10 ... If the term brownfield land or degraded land is to be used in the CNPLP then it must be appropriately defined and consistently applied. We recommend reconciling the finalised local plan with the definition of brownfield land in SPP 3. At the very least, any deviation from that must be clearly identified and adequately justified.

27.18 ... developers may be required to enter into a Section 75 agreement to make sure that another house built via this policy remains linked to the relevant rural business (paragraph 5.67). While we have no doubt that Section 75 could be used in this way, we note that reference has been deleted from the finalised version of the local plan. Were it to be reinstated, we remind of the views that we have expressed elsewhere in this report regarding the use of agreements, including in the context of Policy 20. These same views apply here for Policy 24. However, if the reference to a Section 75 agreement is not reinstated, there may nonetheless be circumstances in which CNPA might seek to control or restrict the occupancy of a new or vacated rural house, when the use of an agreement or a planning condition might still arise. In that context, SPP 15 states that occupancy conditions may be appropriate where a new house is obviously tied to an agricultural or forestry use of land (paragraph 22). This same point arises in the Annex to Circular 4/1998: The Use of Planning Conditions (paragraphs 100 to 102).

1. CNPA Analysis and Comment

1.1 In reviewing the recommendations made by the Reporters to Policy 24, CNPA welcomes the Reporters conclusions that the policy accords with national and strategic planning policy as well as the strategic objectives of the CNPP2007.

1.2 In looking at the clarity of the wording, the Reporters highlighted the use of and/or as a phrase which is open to interpretation. CNPA conceded at the inquiry hearing that the intention was that it should be 'and'. As this remains the position of CNPA, and in the interests of clarity to the reader this change is therefore accepted.

1.3 The Reporters then review the changes that have occurred since the Deposit version of the Plan. Firstly the issue of the ten year criterion for retiring farmers is raised. The Deposit plan first suggested the period of ten years as a reasonable time period to demonstrate a need for continuity and a need to remain in that community or locality. The time period has remained into the various modifications of the Policy. CNPA consider this time period to be reasonable. It establishes a local connection to the site, without being so extreme as to make the policy unreasonable. It is also intended to prevent the short term occupation of businesses with the sole purpose of securing a retirement home.

1.4 Secondly the reporters assess the tests which would apply in the implementation of the policy. The Reporters are of the view that paragraph 5.67 applies only to affordable housing. CNPA can see how this confusion might have arisen, but can clarify that this is not the intention. The tests are intended to apply to housing development other than affordable housing. To resolve this, the background text will be amended to set out clearly how the policy will apply to affordable housing, and how it will apply to other housing outside settlements. The tests are not therefore intended as an additional criterion to be applied generally to all development outside settlements.

1.5 The Reporters then look at the development opportunities created on brownfield land. CNPA accept that the various changes which have been made to this part of the policy, and its supporting text have caused confusion. CNPA have reviewed the definitions in SPP3, PAN 73 and the latest SPP. As the policy applies to development outside settlements, CNPA considers the most appropriate definition is that given in PAN 73 which applies directly to rural brownfield land, rather than sites within settlements as given in SPP and SPP3. This will therefore be added to the text and glossary. With the inclusion of a clear definition within the glossary the reference in the supporting text is therefore repetition and will therefore be removed.

1.6 The Reporters repeat their previously made comments regarding the lack of a comprehensive community needs information base. CNPA has acknowledged this and is progressing with a full programme of assessments across all communities in the Park which will be used to inform the Local Development Plan.

1.7 Finally the Reporters review the wording of the policy in relation to the use of section 75 agreements. The reference to these specifically was removed as part of the modifications and CNPA is not minded to reinstate this wording. CNPA agree that whether or not the wording is within the background text, the use of Section 75 agreements can be used as appropriate. CNPA will only use such agreements

where is it appropriate and where it is not possible to deal with the issue through other legislation or by the use of planning condition.

2. CNPA Decision

- 2.1 Accept the need to clarify and/or as a phrase in the policy.
- 2.2 Accept the need to clarify the supporting text regarding the tests which apply to the implementation of the policy.
- 2.3 Accept the need to properly define brownfield land and apply it consistently.

3. Changes to plan needed to address decision

- 3.1 In the 1st paragraph of the policy change 'and/or' to 'and'
- 3.2 Replace paragraph 5.67 after 5.69.
- 3.3 Remove paragraph 5.70 in total.
- 3.4 Replace 'brownfield' in c) with rural brownfield and provide the definition of 'rural brownfield' land within the glossary

Policy 24 22 Housing Developments Outside Settlements

Affordable Housing outside settlements

Developments for new affordable housing outside settlements will be considered favourably where there are no suitable sites within settlements where the development does not detract from the landscape setting, and ~~for~~ they meet a demonstrable local need in the rural location.

Other housing outside settlements

Developments for other new housing outside settlements will be permitted where:

a) the accommodation is for a worker in an occupation appropriate to the rural location; and
- the presence of the worker on site is essential in order to provide 24-hour supervision of the rural business; and

- there is no suitable alternative residential accommodation available including reuse and conversion of other buildings on site; and
- the proposed dwelling is within the immediate vicinity of the worker's place of employment; or

b) The dwelling is for a retiring farmer or crofter, on land managed by them for at least the previous ten years or for a person retiring from other rural businesses, where their previous accommodation is required for the new main operator of the farm, croft or rural business. Where relevant such proposals will be secured through planning condition or legal agreement; or

c) The development is sited on **rural** brownfield land.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Economy and Employment
- Housing

5.65 text unchanged

Implementation and Monitoring

5.66 For affordable housing outside settlements, the policy will be used to allow the development ~~of affordable housing~~ outside settlements and building groups where there is a clear local need and no suitable sites exist within nearby settlements. ~~The use of community needs assessments, housing needs and demand assessments and other information will be used in the justification of affordable housing under this policy.~~

5.67 In considering the use of the policy for other housing outside settlements, ~~in determining development proposals~~, applicants should demonstrate that other sites, including those within settlements, open market dwellings in the area, and land within allocated sites contained in the local plan for housing, have all been considered and discounted. The reuse of existing buildings on the site should also be considered and discounted before new buildings will be permitted.

~~5.68 In demonstrating local need for affordable housing in particular, the use of community needs assessments, local housing needs and demand assessments and other information should be used in the justification of proposed developments.~~

5.69 In demonstrating a need for ~~other~~ housing associated with a) applicants must demonstrate a land management need for the accommodation through the use of independent experts, such as the Scottish Agricultural College. A business case must also be provided for proposals seeking development related to rural businesses other than farming.

~~5.70 For clarity, 'brownfield' is taken to mean land previously used for industrial or commercial uses that has the potential to be reused once any contamination, waste or pollution has been cleaned up. Reuse of abandoned rural dwellings will not be considered as brownfield and applications on such sites will be considered under Policy 25.~~

5.71 text unchanged.

Issue	Policy 25 Replacement Houses		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020q
	Frogmore Estates Scotland Ltd		026e/f
	The Crown Estate		419p
	Alvie & Dalraddy Estate		439w
	Glenmore Properties Ltd		453n
	Reidhaven Estate		456i

Extract from the Reporters Report

Conclusions

28.15 *Based on all of the above, we conclude that Policy 28 from the deposit plan meets the strategic objectives of the CNPP 2007 and accords with relevant national and other strategic planning policy because it permits but restricts the circumstances in which a house in the countryside can be replaced. Further, if as the supporting text describes, the spirit and purpose of finalised local plan Policy 25 remains the same as its predecessor, then that policy should also accord. However, in modifying the plan, the tone and emphasis has changed without adequate explanation and the ability to interpret the policy has become confused to such an extent that the original purpose of the policy and its current wording appear no longer to match. As a result, while there should be no difficulty with monitoring the effectiveness of Policy 25, it does not identify clearly enough the kinds of development which will and will not be permitted, nor does it describe adequately the means of implementation.*

28.16 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

28.17 *Accordingly, we recommend that Policy 25 Replacement Houses should only be taken forward from the Deposit Local Plan Modifications (1st and 2nd) October 2008 into the adopted local plan if all of the above reservations are addressed. In particular, we recommend that particular attention should be paid to:*

- *the incorporation of a presumption against replacement houses unless specific criteria are met;*
- *deletion of the second clause of item a) and replace with item b) the existing house has been vacant for at least 10 years;*
- *reversing the order of existing items b) and c) to improve clarity;*
- *relegating all of the rest of the wording to the section of the associated text which deals with implementation; and*
- *a root and branch review of the text in the light of our findings above.*

Additional Suggestions/Reservations to be addressed

28.7 ... both versions of Policy 25 refer to the site of the existing house without defining whether this means its precise footprint or its existing curtilage. Secondly, the requirement that the number of homes should not normally increase is positioned in the policy beside other provisos in such a way that it seems to apply only if an adjacent site is to be permitted. We assume that this is not CNPA's intention.

28.9 ... The finalised version of the local plan attempts to address these concerns by referring to salvage where appropriate, but using that phrase fails best practice for local plans whereby policies should be clear without this kind of ambiguous expression. ... another way of incorporating the same flexibility would be via a requirement that a planning application for a replacement house should be supported by a statement to explain why materials cannot be salvaged and reused. This kind of approach places an explicit requirement at the forefront of the application process and it allows retention of the proper presumption that materials will be salvaged.

28.14 ... CNPA must find a form of words for this policy which will not conflict with the national and strategic policy background as well as with the strategic objectives which flow through the CNPP 2007 from the first aim of the National Park. In short, we find that the policy must be redrafted to remove the problems that we have identified and that exercise should include a root and branch revision of the associated text.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regards to Policy 25, CNPA welcomes the conclusion that the general approach to restrict housing development in the countryside is in accordance with national planning guidance. However CNPA accepts the comments made in regard to the compliance with the strategic objectives of the CNPP2007.

1.2 The Reporters have considered in detail the way in which the text could be interpreted. Firstly they consider that the tone of the policy should be changed to presume against development unless specific criteria are met. CNPA accept that this would clarify the intent of the policy, which is to allow for limited appropriate development in the countryside, rather than to imply something which would be contrary to the strategic objectives of the CNPP 2007.

1.3 The Reporters are critical of the wording within the policy regarding where the replacement house should be located. In referring to the 'site' of the original house, the policy is intended to direct the replacement house to the original footprint of the site, although need not necessarily copy it. It is therefore intended to reduce the physical impact of both the original and replacement house on the site. CNPA accept that on reading the current text this is not sufficiently clear and will make an appropriate modification.

1.4 The Reporters go on to question the issue of using an adjacent site. CNPA accept that the explanation given in the policy wording is confusion, and accept that

this is actually related to the implementation of the policy. The text will therefore be removed from the policy, and replaced within the implementation and monitoring section of the supporting text. The text will also be clarified to state that this is referring to the replacement house occupying a site other than the original footprint as set out in criterion b).

1.5 The Reporters then consider the text of the final part of the Policy which required, where appropriate, the incorporation of existing material into the replacement house. CNPA accept that this phrase is not sufficiently clear, and that it is always up to developers to agree with CNPA any particular individual policy criterion that need not be satisfied for a specific proposal. The Reporters suggest that wording be included within the policy which clarifies the requirement for a statement to explain why materials cannot be salvaged or reused. CNPA welcomes this suggestion which resolves the previously accepted ambiguity, and gives a clear indication to developers what is required in the original planning application.

1.6 In reviewing the changes to the policy from Deposit Plan through its various modifications, the Reporters consider the policy has been diluted. The changes have resulted in a policy which is unclear in its intent and which seems contradictory. In particular the Reporters express considerable concern about the change to the length of time the property has been vacant. The modified policy states a time of twenty five years, but CNPA accept that this would contradict the normally accepted rule of thumb that a use has been abandoned after 10 years. In accepting this as a good basis on which to include a vacancy time period, CNPA therefore accept the need to amend the policy.

1.7 In summary therefore CNPA accept that through the various modifications, the wording of the policy has become confused and has moved away from the strategic objectives of the CNPP 2007. To restore the original intent of the policy, the wording of both policy and supporting needs modifications. The wording of the supporting text does not adequately describe how the policy will be implemented, nor what will and will not be permitted, and this must therefore be addressed before the policy is moved forward.

2. CNPA Decision

2.1 Accept the need to change the tone of the policy.

2.2 Accept additional clarity is needed in regard to where the replacement house should be located.

2.3 Accept that the text relating to any adjacent site should be relegated to the supporting text.

2.4 Accept the need to revise the wording in connection to salvaged material and include this as a statement to be included within the implementation section of the supporting text.

2.5 Accept the use of a ten year vacancy time limit and amend the text accordingly.

2.6 Accept that reversing the order of b) and c) would assist in clarity for the reader.

3. Changes to plan needed to address decision

3.1 Change the tone of the policy to presume against development unless specific criteria are met.

3.2 Change criterion b) to clarify that the replacement house should incorporate part or the entire original footprint.

3.3 Remove the final paragraph to the implementation section of the supporting text.

3.4 Remove the reference to 25 years vacancy and replace with 10 years.

3.5 Remove the reference to salvage material from the policy, and include a statement within the implementation section of the supporting text to require a statement to explain why material is not being salvaged if this is to be the case.

3.6 Reverse b) and c)

Policy 25-23 Replacement Houses

~~The replacement of an existing house with a new house will be permitted where:~~

There will be a presumption against the replacement of an existing house with a new house unless:

- a) the existing house is demonstrated to be structurally unsound or incapable of rehabilitation; ~~and has been occupied at some stage in the previous twenty-five years; and~~
- b) the existing house is not a listed building
- c) the new house is located to incorporate the footprint of the original house, unless an alternative adjacent site would minimise any negative environmental, social or economic effects of the development
- d) the existing house has been vacant for at least ten years

~~b) the new house is located on the site of the existing house unless an alternative adjacent site would minimise any negative environmental, social or economic effects of development; and~~
~~c) the existing house is not a listed building.~~

~~If an adjacent site is permitted, the planning authority will normally condition the demolition of the existing house prior to occupation of the new house, unless the redundant building is to be used as part of the redevelopment scheme, or holds significant cultural heritage merit. The proposal should not normally increase the number of dwellings on the site. The replacement development must also reflect the siting and scale of the original and should salvage materials from the original to incorporate into the new development where appropriate.~~

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Housing

5.72 The policy is intended to allow for the replacement of existing houses which are structurally unsound or cannot be rehabilitated.

The policy only applies to houses that are in existence and have been permanently lived in at some stage during the past ~~twenty-five~~ ten years. Development proposals on abandoned house sites and ruins will be considered as new housing development.

Implementation and monitoring

5.73 The policy will be implemented taking into account the impact the development has on the site of the original dwelling. The development should not normally increase the number of dwellings on the site. The replacement must reflect the original in terms of siting and scale, and should incorporate all or part of the original footprint.

~~5.73. In considering proposals for replacement houses, the planning authority will require supporting information to justify the need to demolish the existing property from an qualified structural engineer. Evidence will be required to demonstrate that the property has been occupied in the previous twenty-five years.~~

5.74 If an alternative adjacent site is permitted, the planning authority will normally use conditions to ensure the demolition of the exiting house prior to the occupation of the new house, unless the redundant building is to be used as part of the redevelopment scheme, or holds significant cultural heritage merit.

5.75. Supporting evidence will be required as part of the planning application to justify the need to demolish the existing property (from a qualified structural engineer), to demonstrate that the property has been occupied in the previous ten years, and to explain why materials from the original house cannot be salvaged and reused in the replacement house.

5.76 The effects of this policy will be monitored through review of planning permissions and housing completions.

Issue	Policy 27 Business Development		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	James & Evelyn Sunley	Objection refs	056k
	Ballater & Crathie Community Council		091i
	The Proprietors of Mar Centre		394n
	Badenoch & Strathspey Conservation Group		400g(b)
	Dunachton Estate		418i
	Mrs J Angus		437n
	Alvie & Dalraddy Estate		439o
	Glenmore Properties Ltd		453h

Extract from the Reporters Report

Conclusions

29.13 Based on the above, we conclude that Policy 27 as drafted in the finalised version of the CNPLP is broadly compatible with the strategic objectives of the CNPP 2007 but it does not accord fully with the requirements of national policy as set out in SPP 2. Further, it does not entirely identify clearly enough those kinds of development that will and will not be permitted, and we have suggested various adjustments that should be considered to address this. However, we conclude that the additional encouragements of the kind suggested by the objectors would not be appropriate and we reject the suggestion that the economic development allocations should incorporate the possibility of an automatic extinguishment or default in the event that the allocation is not taken up.

29.14 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

29.15 Accordingly, subject to addressing the above matters, which aim to augment Policy 27 Business Development and improve its clarity of expression, we recommend that Policy 27 should be taken forward into the adopted local plan broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008.

Additional Suggestions/Reservations to be addressed

29.8 ... As with the allocation of housing sites, we have also found no evidence to link the economic development allocations with a community based assessment of need or capacity. This considerable defect must be rectified.

29.10 ... we would prefer to see the policy expressed more clearly, to establish exactly which criteria must be satisfied in each instance. This applies especially to the first paragraph because as it stands, we are not sure whether the criteria apply on the basis of either or, or whether all must be fulfilled. We are also not sure how (c) might be satisfied and we find that the final paragraph could be misinterpreted.

29.11 ... there is scope to explore and identify physical incentives including infrastructure, transport, and the construction of starter industrial and business units via CNPA's partnership working. Such issues could also be addressed in the action plans referred to above, again in compliance with the strategic aims of the CNPP 2007 and SPP 2.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to Policy 27, CNPA welcomes the acknowledgement that the general principle is in accordance with the strategic framework set by the CNPP 2007. The Reporters go on to criticise the approach taken to the identification of land for economic development. CNPA has already accepted this criticism, addressed in the general section on economic development. This has included an acceptance of the need to review future assessments of need for economic development to take full account of the requirements of the latest planning guidance, and also an acceptance that there is a need for comprehensive community assessments. CNPA has already stated its commitment to undertake future work in preparation for the Local Development Plan in accordance with this.

1.2 The Reporters consider there to be a need for a clearer link between the local plan text on economic development, the policy wording and the land allocations. CNPA accept that the links are not explicit and in the interests of additional clarity, will amend the text which introduces this section of the plan accordingly.

1.3 The Reporters consider there to be scope to explore incentives through the partnership working of CNPA to promote development. CNPA accept this as an option to explore with its partner organisations and other key stakeholders. This work will be undertaken in future work in preparation for the Local Development Plan.

1.4 In considering the wording of the policy CNPA welcomes the support from the Reporters for the positive way in which the policy is framed. However the way in which the criteria are set out does not make it clear which have to be complied with. CNPA accept that the criteria are not set out sufficiently clearly, and accept therefore the need to amend the way in which these are set out.

2. CNPA Decision

2.1 Accept the need for more explicit links between the general text, the policy and the land allocations.

2.2 Accept the need to clarify which criteria must be complied with.

2.3 Accept the broader criticisms of the approach to economic development, as previously stated in the section of the report dealing with general economic development.

3. Changes to plan needed to address decision

3.1 Amend paragraph 5.79 to clarify the links to the policy, the proposals maps and the general text.

Economic Development

5.77 – 5.78 text unchanged

5.79 In considering the strategy for economic development, the local plan takes its impetus from the National Park Plan. Policies then set out the framework for the assessment of development proposals, and proposals maps identify particular opportunities for growth. Enterprise strategies for the area establish aspirations to increase the population, improve the demographic structure, create new employment opportunities, raise income levels and be an exemplar of the best the country has to offer. The National Park Authority in support of this establishes a number of objectives to improve opportunities for economic development within the Park, and the Local Plan approach must therefore be flexible enough to ensure that enterprise can occur in harmony with the important natural and cultural environment. The National Park Authority will continue to review the need to allocate land to support the economy and will bring forward new land for consideration as the need arises.

Policy 27 25 Business Development

Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, is located within an allocated site identified on the proposals maps, or where the following criteria are met: ~~proposed development:~~

a) In identified settlements

- i) is located within an existing settlement boundary; and
- ii) supports the economic vitality and viability of that centre.

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;

or

b) Outwith settlements

- i) is in an existing business park or industrial estate; or
- ii) where it can be demonstrated that there are no more sequentially appropriate sites available.

Developments should have no adverse impact on the existing vitality or viability of the settlement, or neighbouring existing business parks or industrial estates;

or

c) Other business opportunities

- i) supports the vitality and viability of a farm, croft or other businesses in a rural location; or
- ii) is complementary to that current rural business activity; or
- iii) promotes diversification within that business; or
- iv) creates new small scale development which supports the local economy.

d) Loss of business

Development proposals which would result in a loss of business use on the proposal site will be resisted unless it can be demonstrated that the retention of the business on the existing site is not viable.

Issue	Policy 28 Retail Development		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020i
	Cooperative Group		370a/b
	Alvie & Dalraddy Estate		439z/f

Extract from the Reporters Report

Conclusions

30.16 *When we review our reasoning a set out above, we conclude that Policy 28 as drafted in the finalised version of the CNPLP is in general accord with the strategic objectives of the CNPP 2007 but it does not meet fully the requirements of national policy as set out in SPP 8. Neither does it identify clearly enough those sorts of development that will and will not be permitted, and we suggest adjustments that should be considered. However, we reject the objectors' arguments that specific controls should be added for developments associated with rural diversification and that small shops should be exempt from the sequential approach to retail development.*

30.17 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

30.18 *Accordingly, subject to addressing the above reservations in full, we recommend that Policy 28 Retail Development as generally set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan. Our reservations include:*

- *the need for closer compliance with national planning policy in SPP 8: Town Centres and Retailing or justify the divergences;*
- *the lack of town centre strategies and supplementary guidance to support the CNPLP and to enable it to comply more fully with the strategic objectives of the CNPP 2007; and*
- *define the various concepts and terms used in Policy 28, including vitality, town centres, and the settlement hierarchy, consistently with other parts of the CNPLP SPP 8 and the CNPP 2007.*

Additional Suggestions/Reservations to be addressed

30.7 *... Policy 28 as set out in the finalised version of the local plan does not satisfy a number of the basic requirements of national planning policy in SPP 8 and that limits full compliance with the above strategic objectives. Further, we find that Policy 28 is insufficiently proactive in pursuing the relevant strategic objectives set out in the CNPP 2007.*

30.10 ... for those settlements with an identified town centre, the extent is indicated on the proposals maps by no more than a single purple line along a relevant street. We find that this unhelpful because it does not explain how far back from a building frontage the centre extends and a proposal might be construed to accord. ... This kind of contradiction must be resolved by delineating town centres with more clarity and precision.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to Policy 28 CNPA welcomes the acknowledgement from the Reporters that using the local plan to encourage retail development is appropriate in the context of the National Park and its strategic objectives.

1.2 However the Reporters consider that the policy adds to the confusion previously stated regarding the settlement hierarchy. CNPA has already acknowledged the need to refine the approach to the settlement hierarchy and has stated its commitment to undertake this in conjunction with the preparatory stages of the Local Development Plan.

1.3 In terms of the terminology used, the Reporters are critical of the way in which various settlements are described, citing Aviemore as a particular example which acts as a strategic settlement, but is described in this policy as a village. This reference is in response to the comments of the community, but CNPA accept that this may lead to confusion on the part of the reader, and will make the appropriate changes to the wording.

1.4 The Reporters then review the approach taken in comparison with SPP8 which required town centre enhancement strategies which should be linked to supporting policies. CNPA accept that this is a requirement of SPP8. However CNPA are not minded to produce town centre enhancement strategies at this late stage in the local plan process. Nor would it wish to include such strategies without full and comprehensive consultation and engagement with affected communities. Linked to this the reporters conclude that the identification of the town centres, where it has been identified, does not provide adequate clarity to direct developers, and that it has not been done in a consistent manner across all settlements. Again CNPA accept that the approach used has not provided the appropriate level of clarity. This is however something local communities will have clear views on and their involvement in the development of the way in which their town centres are delineated requires full consultation and engagement. As a result CNPA accept that this work will form part of the forthcoming work for the Local Development Plan.

1.5 In looking specifically at the wording of the policy, in a) the Reporters conclude that the way in which the criteria is worded excludes the tests of harm from new development and extensions. This is not the intention of this part of the policy, and CNPA accept that the criteria should be revisited to clarify this. Also in a) the policy refers to settlement strategies and supplementary guidance which does not exist at present, and CNPA accept that this is confusing to the reader. CNPA therefore accept that this reference should be removed from the policy. Mention will

be included within the implementation section to refer to such documents, when available.

1.6 Throughout the policy the Reporters consider that the terminology has been used incorrectly when compared with SPP8. In reviewing SPP8, CNPA accept that the wording used in the policy is confusing and does not comply with the definitions of SPP8 or the tests set out in the sequential approach to site selection. CNPA therefore accept the need to change the wording of the policy to accurately reflect SPP8. To assist in clarity for the reader, CNPA accept the need to include definitions within the glossary.

1.7 Finally in regard to the sequential approach, CNPA accept the need to properly establish the sequence to be followed in site identification. The criticism highlights where the policy should be changed and CNPA accept the need for this. In regard to c) CNPA also accept that the text does not properly establish what will and will not be supported, and this will therefore be changed by way of modification.

2. CNPA Decision

2.1 Accept the previously stated criticism of the approach to settlement hierarchy, which CNPA has stated will be addressed through the Local Development Plan process.

2.2 Accept the need to use terms consistently through both the policy and the plan as a whole.

2.3 Accept the need to devise town centre enhancement strategies to comply with SPP8 and agreement that this will happen with the progress on the local development plan. Linked to this CNPA also accept the need to revise the way town centres are delineated and will again agree to take this forward as part of the consultation on the Local Development Plan.

2.4 Accept in a) the tests which are to be applied to all forms of development in town and village centres.

2.5 Accept in a) the need to remove reference to supporting documents which do not exist, but include them rather within the implementation section supporting the policy.

2.6 Accept the need to revise the terminology used in the policy to comply with SPP8 and to include definitions of these terms within the glossary.

2.7 Accept the need to revise c) to clarify what will and will not be permitted under the policy.

3. Changes to plan needed to address decision

3.1 Change the reference to Aviemore to clarify that it is a strategic settlement rather than a village.

- 3.2 In a) revisit the text to ensure the tests of harm apply properly to all forms of development.
- 3.3 In a) remove reference to settlement strategies and supplementary guidance.
- 3.4 In the implementation section make reference to settlement strategies and supplementary guidance once available.
- 3.5 Review the policy as a whole to ensure terminology properly reflects SPP8 and that the sequential approach promoted by the policy, complies with that set out in SPP8.
- 3.6 Amend the glossary to include definitions of the terms used in the policy.
- 3.7 Amend c) to clarify what will be supported by way of this criterion.

Policy 28 Retail Development

Development proposals which support local economic vitality will be favourably considered where the following criteria are met:

a) Town/village centres

within identified town/village centres, proposals for new retail developments, extensions to existing developments and forms of development which add to the economic vitality and have no adverse impact on neighbouring properties, will be favourably considered. Proposals should consolidate the traditional high street found within the centre in terms of visual impact and built form and take into account any settlement statement and supplementary guidance relating to that settlement.

b) Other sites within settlements

where no town/village centre site is available, edge of centre locations which are within settlement boundaries will be considered preferable to sites outwith settlement boundaries, in line with the sequential approach to site identification. Such developments should not undermine the commercial vitality and viability of the town/village centre.

c) Sites outwith settlements

outwith town/village centres and settlements, where there is no town/village centre sites, edge of town/village sites or other more sequentially appropriate sites available; or the proposal is associated with a rural business. Such development should not undermine the commercial vitality and viability of town/village centres.

ii) where there would be no detrimental impact on the vitality and viability of the town/village centre.

c) out of centre locations

i) where there are no suitable sites in town/village centres or within edge of town centre locations in line with the sequential approach; and

ii) where there would be no detrimental impact on the vitality and viability of the town/village centre.

5.80 text unchanged.

5.81 ~~Scottish Planning Policy 8 'Town Centres and Retailing'~~ SPP encourages areas characterised by a mixture of urban and rural development and supports the identification of a hierarchy of centres, and the use of policies which encourage the most appropriate scale of development within the areas identified in this hierarchy. Further, ~~Scottish Planning Policy 2 'Economic Development' (sec 30)~~ refers directly to the situation found in National Parks:

~~"Experience from National Parks outwith Scotland indicates that their clean and attractive environment can be a positive influence on the locational decisions of some businesses. Developments should be accommodated where they are appropriate to the purposes and character of the Park. Their siting and design should be of a high quality and support the Park's image and appearance".~~

5.82 – 5.84 text unchanged

Implementation and Monitoring

5.85 text unchanged

5.86 Applications may be required to be accompanied by supporting information to illustrate the need for the development, and the impact it will have on the economy of both the local and wider areas. Any relevant masterplans/settlement statements or supplementary guidance for the application or policy area should also be referred to, to ensure that developments are in line with the most up to date guidance available from the Cairngorms National Park Authority. Additional information regarding site selection, and any sequential testing which has been carried out to ensure the development of the most appropriate site, should be included within the development proposals. Further additional information assessing current retail space, geographical catchment areas, and potential new retail demand that is unmet, should also be included.

5.87 text unchanged

Policy 26 Retail Development

Retail development proposals which support the local economy will be favourably considered where the following criteria are met:

a) within identified town/village centres

i) the proposal adds to the economic vitality and viability of that town/village centre; and
ii) has no adverse impact on neighbouring properties.

Proposals should consolidate the traditional high street found within the centre in terms of visual impact and built form and take into account any settlement statement and supplementary guidance relating to that settlement.

b) within edge of town centre

i) where there is no suitable sites within the town/village centre in line with the sequential approach and

Issue	Policy 29 Conversion and Reuse of Existing Traditional and Vernacular Buildings		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objector	The Crown Estate	Objection ref	419o

Extract from the Reporters Report

Conclusions

31.5 Overall therefore, we are satisfied that the purpose and content of Policy 29 is appropriate against the relevant national planning policy context. Further, we find no reason to alter its terms in the light of the objection that has been referred to us for consideration.

31.6 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

31.7 We recommend that Policy 29 Conversion and Reuse of Existing and Vernacular Buildings as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

1. CNPA Analysis and Comment

1.1 When we consider the recommendations made by the Reporters, we acknowledge that the Policy is fit for purpose, and that it accords with the general approach of national planning policy.

1.2 CNPA also note the support for this approach from the reporters as opposed to the suggestions of the objector

2. CNPA Decision

2.1 Accept the recommendation to take the policy forward into the adopted Local Plan without the need for further change or modification.

3. Changes to plan needed to address decision

3.1 Renumber policy to reflect for deletions of policies

Policy 29 27 Conversion and Reuse of Existing Traditional and Vernacular Buildings
Policy text unchanged

Supporting text unchanged

Issue	Policy 30 Gypsies/Travellers and Travelling Show people		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Mr P J Swan	Objection refs	462h
	Mr & Mrs MacAllister		490b
	Mr & Mrs McKechive		491b
	Mr & Mrs Hempseed		492b
	Heidi Rattray		493b
	Susan Donald		494b
	Mary Mischie		495b
	Katrina Wimbush		496b
	P Brough		497b
	H & BC Wright		498b
	E J Procter		499b
	Jill Adams		500b
	Peter Gray		501b
	Aileen Mutch		502b
	Anna Hauley & Gavin Hedges		503b
	Mr I Duncan		504b
	Robert Moir		505b
	Occupier, 18 Sir Patrick Geddes Way, Ballater		506b
	Mane Fraser		507b
	A Esson		509b
	Linda Johnson		510b
	James Clark		511b
	Fred Vincent		512b
	Ian Black		513b
	Brian Gibson		514b
	Allyson Meechan		515b
	Mr & Mrs Hepburn		516b
	Helen Murray		517b
	Alan Henderson		518b
	Mr & Mrs Milne		519b
	Mr Myddleton		520b
	Mrs A Redland		521b
	Mr & Mrs Taylor		522b
	J Cooper & M Majzlikova		523b
	Occupier, Roaring Stag, Braemar		524b
	Occupier, Mar Cottage, Cambus o May		525b
	Jane Reynard		526b
	Mrs W Sim		527b
	Mrs R MacNamee		528b
	E Black		529b
	Occupier, Rinelen, Glen Gairn		530b
	John Taylor		534
	Gordon Chapin		535b

	Victor Jordan		537e
	Capt J Schuneman		538b
	Frances Gibson		539b

Extract from the Reporters Report

Conclusions

32.9 When we review our findings we conclude that Policy 30 should be taken forward into the adopted local plan. Further, as drafted in the finalised version of the CNPLP, Policy 30 meets the strategic objectives of the CNPP 2007 and other relevant national and strategic guidance; it identifies sufficiently clearly the sorts of development which will, and will not, be permitted; and the associated text, which deals with the background and justification for the policy as well as the manner of its implementation and monitoring, is soundly based.

32.10 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

32.11 Accordingly, subject to the minor title change and reservations about the associated supporting text that we have noted above, we recommend that Policy 30 Gypsies/Travellers and Travelling Show People as introduced in the 2nd Modifications to the Deposit Local Plan should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

32.8 ... the title of the Policy 30 should be revised to read Gypsies and Travellers, and Travelling Showpeople to match national planning policy in SPP 3. We have looked carefully at the CNPP 2007 strategic objectives for Landscape, Built and Historic Environment; Air; and Transport and Communications, but have not been able to establish why these objectives in particular are listed in the background and justification text as underpinning Policy 30.

1. CNPA Analysis and Comment

1.1 When we consider the recommendation from the Reporters regarding Policy 30 Gypsies/Travellers and Travelling Show People, CNPA acknowledges the support from the Reporters for the inclusion of the policy, which is broadly in line with the requirements of SPP3.

1.2 In their conclusions the Reporters suggest changing the title to read 'Gypsies and Travellers, and Travelling Showpeople' to match national guidance. CNPA accept that this title reflects better the wording of SPP3 and agree therefore to the change.

1.3 The Reporters have also reviewed the policy against the strategic objectives of the CNPP2007, and have found that the list given does not accurately reflect the

content of the Policy. In looking again at the CNPP 2007, CNPA accept that the policy supports the strategic objectives for housing. The wording of the background text will therefore be modified.

2. CNPA Decision

2.1 Accept the revised title to the policy.

2.2 Accept that the policy supports the strategic objective of the CNPP 2007 for housing.

3. Changes to plan needed to address decision

3.1 Change the policy title to Gypsies and Travellers, and Travelling Showpeople and renumber to reflect the deletion of other policies in the plan.

3.2 Change the background text to reflect the policy supports the strategic objective for housing.

<p>Policy 30 Gypsies/Travellers and Travelling Show people Policy 28 Gypsies and Travellers, and Travelling Showpeople</p>
--

<p>Policy text unchanged</p>

Background and Justification

These policies support the National Park Plan's strategic objectives for:

- ~~Landscape, Built and Historic Environment~~
- ~~Air~~
- ~~Transport and Communications~~
- Housing

5.92 ~~SPP3~~ SPP makes it clear that planning authorities should identify suitable locations for sites for ~~Gypsies/Travellers and travelling showpeople~~, Gypsies and Travellers, and Travelling Showpeople where a need has been identified in the relevant local authority housing strategy. It also states that policies should set out how to deal with planning applications for small privately-owned sites.

Implementation and Monitoring:

5.93 – 5.94 text unchanged

Issue	Policy 31 Integrated and Sustainable Transport Network		
Reporters	Hugh M Begg & Jill Moody		
Procedure	Written submissions		
Objectors	Frogmore Estate Scotland Ltd	Objection refs	026g
	DW & IM Duncan		037l
	Ballater (RD) Ltd		076d
	Mr & Mrs Houston		096d
	Mr & Mrs MacAllister		490c
	Mr & Mrs McKecheive		491c
	Mr & Mrs Hempseed		492c
	Heidi Rattray		493c
	Susan Donald		494c
	Mary Mischie		495c
	Katrina Wimbush		496c
	P Brough		497c
	H & BC Wight		498c
	E J Procter		499c
	Jill Adams		500c
	Peter Gray		501c
	Aileen Mutch		502c
	Anna Hauley & Gavin Hedges		503c
	Mr I Duncan		504c
	Robert Moir		505c
	Occupier, 18 Sir Patrick Geddes Way, Ballater		506c
	Mane Fraser		507c
	A Esson		509c
	Linda Johnson		510c
	James Clark		511c
	Fred Vincent		512c
	Ian Black		513c
	Brian Gibson		514c
	Allyson Meechan		515c
	Mr & Mrs Hepburn		516c
	Helen Murray		517c
	Alan Henderson		518c
	Mr & Mrs Milne		519c
	Mr Myddleton		520c
	Mrs A Redland		521c
	Mr & Mrs Taylor		522c
	J Cooper & M Majzlikova		523c
	Occupier, Roaring Stag, Braemar		524c
	Occupier, Mar Cottage, Cambus o May		525c
	Jane Reynard		526c
	Mrs W Sim		527c
	Mrs R MacNamee		528c
	E Black		529c

	Occupier, Rinelen, Glen Gairn		530c
	Capt J Schuneman		538c
	Frances Gibson		539c

Extract from the Reporters Report

Conclusions

33.15 *Based on the above reasoning, we conclude that the policy dealing with the Integrated and Sustainable Transport Network has been renumbered and relocated, not deleted from the finalised version of the emerging local plan.*

33.16 *New Policy 31 meets the strategic objectives of the CNPP 2007 and it accords with relevant national planning policy and guidance. However, we consider that as drafted in the finalised version of the CNPLP, Policy 31 does not identify sufficiently clearly the sorts of development which will, and will not, be permitted. To address that, we have suggested changes to both paragraphs of the policy.*

33.17 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

33.18 *Accordingly, subject to the consideration of our suggested amendments, we recommend that Policy 31 Integrated and Sustainable Transport Network should be taken forward into the adopted local plan broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008. Our recommended changes comprise:*

- *substituting Development proposals will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park though the use of: for the first sentence in the first paragraph of Policy 31; and*
- *adding the sentence Such proposals should make a positive contribution towards the sustainable transport network in the Cairngorms National Park to the end of the second paragraph.*

Additional Suggestions/Reservations to be addressed

33.12 *... we suggest that the words Development proposals should make a positive contribution towards the improvement of the sustainable transport network within the Cairngorms National Park through the use of: should be deleted from the first paragraph of Policy 31. We further suggest that they should be replaced by the following Development proposals will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park though the use of:.*

33.13 *... for larger projects we agree with the objector that there could be merit in adding the sentence Such proposals should make a positive contribution towards the sustainable transport network in the Cairngorms National Park.*

1. CNPA Analysis and Comment

1.1 In considering the conclusions and recommendations made by the Reporters in regard to Policy 31 Integrated and Sustainable Transport Network, CNPA accept that the error made in the numbering of the policy as it went through the various stages of modification has resulted in confusion for the reader. However the Reporters recognise this as a typing error rather than an intent to remove the policy.

1.2 The Reporters go on to review the wording of the policy in detail. To provide a level of flexibility into the policy which is needed to account for the way in which the policy will be used in the determination of minor applications which do not have a significant impact on the transport network, they suggest amended wording to the introduction text. CNPA accepted at the Inquiry that there was a need to improve the level of flexibility within the policy, and agree that the suggested wording achieves this.

1.3 The Reporters then consider that the wording of the second paragraph of the policy does not provide sufficient direction for larger projects and suggest some additional wording to account for this. CNPA agree that the suggested wording does provide additional guidance for larger projects, and welcomes the suggestion.

2. CNPA Decision

2.1 Accept the need for flexibility within the policy to account for developments which do not have a significant impact on the transport network, and therefore accept the suggested wording given by the Reporters.

2.2 Accept the need to provide additional direction for larger projects, and accept therefore the suggested wording given by the Reporters.

3. Changes to plan needed to address decision

3.1 Change the introduction to the policy text to the suggested wording given by the Reporters.

3.2 Change paragraph 2 of the policy text to the suggested wording given by the Reporters.

Policy 31 29 Integrated and Sustainable Transport Network

~~Development proposals should make a positive contribution towards the improvement of the sustainable transport network within the Cairngorms National Park through the use of:~~

Development proposals will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park through the use of:

- a) methods to reduce car dependency;
- b) promotion of sustainable transport modes;
- c) creation of or linking to any existing hierarchy of travel modes based on walking and cycling including core paths network, safe routes to schools and workplaces, public transport and then motorised modes; and
- d) mechanisms to reduce the need to travel.

Where the transport impacts of a proposed development are considered to be significant, by virtue of its size, nature or location, developers will be required to submit a transport assessment covering the local transport impacts of the development, including those during the construction phase, and also where appropriate, submit a green transport plan indicating measures to reduce the impact of travel to the development. ~~Such proposals should make a positive contribution towards the sustainable transport network in the Cairngorms National Park.~~

Supporting text unchanged

Issue	Policy 31 Telecommunications		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objector	Dr A Watson	Objection ref	020l

Extract from the Reporters Report

Recommendation

34.7 Accordingly, we recommend that Policy 31 Telecommunications as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

None

1. CNPA Analysis and Comment

1.1 In considering the recommendation made, CNPA acknowledge the findings of the Reporters that the policy as drafted is fit for purpose and that no further changes are required.

1.2 CNPA also accepts the recommendation that the wording provides a policy that will offer the appropriate level of protection from adverse development across the Park.

2. CNPA Decision

2.1 Accept the recommendation to take the policy forward into the adopted Local Plan without the need for further change or modification.

3. Changes to plan needed to address decision

3.1 Renumber policy to reflect for additional policy and deletions

Policy ~~31~~ 30 Telecommunications

Policy wording unchanged

Supporting text unchanged

Issue	Policy 32 Waste Management		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objector	Mr & Mrs Sunley	Objection refs	056p
	Badenoch & Strathspey Conservation Group		400g(i)
	Scottish Campaign for National Parks		434k

Extract from the Reporters Report

Conclusions

35.15 When we review our reasoning as set out above, we conclude on the first issue that Policy 33 as drafted in the proposed post inquiry modifications is compatible with the strategic objectives of the CNPP 2007. However, when we review the text of the policy against the requirements of SPP 10, we are unable to find that the policy is in complete accord with national planning policy and advice or with relevant strategic guidance.

35.16 On the second issue, we have specific concerns about the wording of the policy in the finalised version even as adjusted by the proposed post inquiry modifications. We conclude that the text is cluttered and clumsy and we make some suggestions to address that defect and thereby provide briefly, clearly and unambiguously for readers of the plan guidance on the sorts of development which will, and will not, be permitted with regard to: firstly, waste management installations, waste transfer facilities and material recycling facilities; and secondly, the related but separate matter of landfill.

35.17 On the third issue, we conclude that the associated text, which deals with the background and justification for the policy as well as the manner of its implementation and monitoring, is soundly based. However, all of that will have to be revised if our suggestions regarding the policy are taken forward by CNPA.

35.18 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

35.19 Accordingly, we recommend that Policy 32 as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and adjusted by the proposed post inquiry modifications should not be taken forward into the adopted local plan. The policy should be deleted and its content taken forward in a form which takes full account of our suggestions and complies with national planning policy as that is set out in SPP 10: Planning for Waste Management.

Additional Suggestions/Reservations to be addressed

35.9 A model policy is suggested in SPP 10 which would enable a consistent approach to the siting of installations to be adopted by all local authorities with responsibilities for waste management. We note that Planning authorities are encouraged

to integrate...the model policy into development plans at the next available opportunity (paragraph 26). SPP 10 goes on to say that The model policy is not mandatory, to allow for local variation where there is a sensible justification for doing so (paragraph 27). We regard it as a considerable flaw that, CNPA has not provided any explanation either in the text of the plan or in evidence to the inquiry to justify why it has not adopted the model policy.

35.10 ... we suggest that in order to address clearly and precisely the particular land use issues which CNPA apparently has in mind the proposed Policy 33 within the CNPLP might be divided into 2 separate but related policies. The first would deal with proposals for waste management installations such as waste transfer stations and materials cycling facilities; and the second would address the challenges presented by new, existing and any proposed new landfill sites.

35.11 ... we refer again to the advantages of using the model policy in SPP 10. There is no need to follow that model slavishly, but we suggest that the text presuming in favour of existing strategic waste management facilities might be included in an amended Policy 33, which in turn would remove the need for the repetitive text at paragraph 5.126 of the proposed post inquiry modifications.

35.12 ... we suggest that a second, separate but related, policy would deal with landfill and we see no reason for any amendment to the text as that appeared in the 1st Modifications regarding new sites. However, there could be benefit in providing additional policy on existing sites and any proposed extensions.

35.13 ... There is no need for the text referring to Map E to find a place in the policy itself since there is adequate reference to that in the version set out in the proposed post inquiry modifications (paragraph 5.126).

35.14 ... if our suggestions are accepted then Policy 32 will require to be redrafted. Furthermore, if a separate policy on landfill is introduced than a new batch of associated text will be required.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to Policy 32 Waste Management, the Reporters consider that the policy as drafted does not meet the requirements of SPP10 which has now been replaced by SPP.. They point out the existence of a model policy, specifically dealing with waste management installations. CNPA acknowledge the presence of the model policy. CNPA has spent considerable time and effort in devising a policy with input from SEPA, but acknowledge that the Reporters are of the view, that despite these efforts, the policy does not comply with SPP10 as replaced by SPP. CNPA therefore accepts that the policy needs to change, and the model policy offers a good solution to take the approach to waste management installations forward. In looking at this model policy CNPA acknowledge that wording gives clear locational guidance for all waste management installations.

1.2 The Reporters go on to highlight the advantages of a clarifying a presumption in favour of existing strategic waste management facilities. This is included in the

current policy, but not within the model policy. CNPA are therefore of the view that in accepting that there is a need to revise the section of the policy relating to waste management, this should retain the current wording for strategic waste management facilities.

1.3 In considering the current text regarding extensions to waste management facilities, the Reporters consider this to be superfluous to the policy, and are of the view that this could be relegated to the supporting text. CNPA accept that the information given in this section of text relates to the implementation of the policy and agree that it should be contained within that part of the supporting text.

1.4 The Reporters go on to suggest that the policy be split into two separate policies covering waste management installations and landfill sites. To achieve this they suggest using the model policy as the basis of the first, and using an amended version of the existing text regarding landfill for the second. CNPA accept the need to separate the two parts of this policy to assist in its comprehension and understanding. CNPA will therefore modify the text to create a policy dealing with Waste management Installations, and a second policy dealing with Landfill, each with its own supporting text. .

1.5 In looking in detail at the wording of the current policy the Reporters consider the wording of the first section to be supplementary assuming the model policy is incorporated. CNPA accept this and in the interests of clarity agree that this text should be relegated to the supporting text.

1.6 In terms of the landfill element of the policy, the Reporters consider the wording given as appropriate for new landfill sites. However they see merit in providing additional policy guidance on existing sites and any proposed extensions. CNPA agree that this is a deficiency of the current wording and will modify the text to cover new sites as well as existing sites and extensions based on the guidance provided in PAN 63.

1.7 In looking at the supporting text, the Reporters conclude that the wording presented to the Inquiry as an officer proposed modification is soundly based. CNPA welcomes this acknowledgement and will take this wording forward with the addition of the wording from the policy, as highlighted above, which the Reporters suggested moving into the supporting text.

2. CNPA Decision

2.1 Accept that the policy does not currently comply with the requirements of SPP10 as replaced by SPP and agree therefore that there are considerable changes required to the policy and supporting text.

2.2 Accept the need to separate two strands of this policy into two separate policies.

3. Changes to plan needed to address decision

- 3.1 Divide the policy and supporting text to form two separate policies dealing with waste management and landfill.
- 3.2 Delete the first section of text, replacing it with the model policy from SPP10.
- 3.3 Include within the section to do with waste management installations the current section of policy text regarding strategic facilities.
- 3.4 Retain the first section of policy wording associated with landfill sites, and include clarification on the position regarding existing sites and extensions.
- 3.5 Include supporting text based on that presented to the Inquiry as proposed further modifications with the addition of all other wording from the policy which the Reporters suggested are relegated out of the policy.

Policy 32 Waste Management

Developments will be considered favourably where a) they are appropriately designed, sited (demonstrating a sequential approach to site selection);

b) assist businesses to manage their waste;

c) assist local authorities to meet or surpass their Area Waste Plan targets or which include site waste management plans or create other waste management facilities. This will include municipal solid waste schemes, and local waste management schemes particularly where they involve the production of compost and/or energy from the waste, and also where there is a direct community benefit including local recycling centres;

d) they demonstrate their consistency with the National Waste Strategy, National Waste Plan and Area Waste Plans.

There will be a presumption against the development of new landfill sites within the National Park unless the development

a) includes appropriate measures for site restoration;

b) has fully considered site selection to ensure reinstatement of derelict or despoiled land;

c) includes the principles of self sufficiency in terms of capacity and location; and

d) provides on site facilities to allow on site recycling/waste treatment.

Proposals for the extension of existing landfill sites may be considered acceptable, subject to the consideration of a full Environmental Impact Assessment (EIA). Prior to the closure of an operational landfill site (once it becomes full or redundant) details for its site restoration, after-care and after use will be required for approval by the planning authority.

There will be a presumption in favour of the protection of existing strategic waste management facilities and all sites required to fulfil the requirements of the Area Waste Plans.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

• Waste management

5.102 The careful use of our natural resources is important to all development proposals, and the reduction of waste goes hand in hand with this. Supporting the constituent local authorities in the

delivery of their Area Waste Plans/Strategies, the Local Plan seeks to make adequate provision within the Park for the reduction in the amount of waste produced.

5.103 National guidance regarding waste management is given in Scottish Planning Policy 10 Planning for Waste Management, and Planning Advice Note 63 Waste Management and Planning. Through these the importance of promoting sustainability in all development is reinforced, and national aims of reduce, re-use and recycle are identified as key to all waste management developments. All new waste management developments also require to comply with the objectives of the National Waste Strategy and National Waste Plan.

5.104 The National Park Plan identifies the reduction in waste produced as important, and recycling facilities within communities is supported, with all communities being able to access such facilities easily.

5.105 There are three Waste Strategy Areas that are each partially covered by the Cairngorms National Park: Highland; North East (Moray and Aberdeenshire) and Tayside (Angus). They all have individual Area Waste Plan targets as well as lists of best practicable environmental options. The Local Plan policy is therefore designed to assist in the delivery of these targets and options.

Implementation and Monitoring

5.106 This policy will be applied where it is relevant to the implementation of the area waste strategies, and the National Park Authority will work closely with local authorities, and will devise a consistent approach to waste strategies and targets across the Park. The principle of development of waste transfer stations within recognised industrial areas will be supported in line with current best practice regarding such developments.

5.107 The success of the policy will be measured against the reaching of targets within the National Park boundary.

Policy 31 Waste Management

There will be a presumption in favour of safeguarding the protection of existing strategic waste management facilities and all sites required to fulfil the requirements of the Area Waste Plans.

Allocations for waste management installations are appropriate generally on the existing or planned supply of employment and industrial land and specifically on:

- Class 5 General Industrial land (where additional protection can be provided by Pollution Prevention and Control (PPC) and through more stringent controls over noise, vibration and hazardous substances);
And in the case of waste transfer stations and materials recycling facilities;
- Class 6 Storage or Distribution land (where the distinction with Class 5 is on the basis of a higher level of lorry or van movements).

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Waste management

5.102 The careful use of our natural resources is important to all development proposals, and the reduction of waste goes hand in hand with this. Supporting the constituent local authorities in the delivery of their Area Waste Plans/Strategies, the Local Plan seeks to make adequate provision within the Park for the reduction in the amount of waste produced. This may include opportunities to exploit emerging technologies, for example combined heat and power proposals.

5.103 National guidance regarding waste management is given in Scottish Planning Policy 10 Planning for Waste Management, and Planning Advice Note 63 Waste Management and Planning. Through these the importance of promoting sustainability in all development is reinforced, and national aims of reduce, re-use and recycle and see waste as a valuable resource are identified as key to all waste management developments. All

new waste management developments also require to comply with the objectives of the Area Waste Plans, National Waste Strategy and National Waste Plan.

5.104 – 5.105 text unchanged

Implementation and Monitoring

5.106 This policy will be applied where it is relevant to the implementation of the area waste strategies, and the National Park Authority will work closely with local authorities, and will devise a consistent approach to waste strategies and targets across the Park. The principle of development of waste transfer stations within recognised industrial areas will be supported in line with current best practice regarding such developments.

5.107 Developments for waste management facilities should be appropriately designed and sited, demonstrating the sequential approach to site selection, which considers the options of siting facilities on employment land; brownfield land; contaminated or despoiled land; or locations close to sources of waste arising; and, in the case of energy from waste, locations close to users of heat and power.

5.108 Developments should assist businesses to manage their waste, assist local authorities to meet or surpass their Area Waste Plan targets or include site waste management facilities. This should include municipal solid waste schemes and local management schemes particularly where they involve the production of compost and/or energy from the waste, and also where there is a direct community benefit including local recycling centre. They should also demonstrate their consistency with the National Waste Strategy, National Waste Plan and Area Waste Plans.

5.109 The success of the policy will be measured against the reaching of targets within the National Park boundary.

Policy 32 Landfill

There will be a presumption against the development of new landfill sites and for amendments to or extensions of existing landfill sites within the National Park unless the development

- a) includes appropriate measures for site restoration;
- b) has fully considered site selection to ensure reinstatement of derelict or despoiled land;
- c) includes the principles of self sufficiency in terms of capacity and location; and
- d) provides on site facilities to allow on site recycling/waste treatment.

Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Waste management

5.110 National Guidance regarding landfill is given in SPP and this requires Planning Authorities to ensure that new landfill sites or extensions to existing landfill sites do not lead to a disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors such as the landscape.

5.111 The National Park Plan identifies the reduction in waste produced as important and every effort should therefore be made to reduce the need for new landfill sites or extensions to existing facilities.

Implementation and Monitoring

5.112 Proposals for the extension of existing landfill sites may be considered acceptable, subject to the consideration of a full Environmental Impact Assessment (EIA). Prior to the closure of an operational landfill site (once it becomes full or redundant) details for its site restoration, after-care and after-use will be required for approval by the planning authority.

5.113 The success of the policy will be measured against the reaching of targets within the National Park boundary.

Issue	Policy 33 Tourism Development		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	James & Evelyn Sunley	Objection refs	056a
	Forest Holidays LLP		397
	The Crown Estate		419r
	Scottish Campaign for National Parks		434l
	Mrs Jane Angus		437r
	Alvie & Dalraddy Estate		439y/z
	Reidhaven Estate		457

Extract from the Reporters Report

Conclusions

36.17 When we review our findings we conclude that the inclusion of a policy dealing with *Tourism Related Development* can meet the strategic objectives of the CNPP 2007 and can accord with the relevant national planning policy guidance. However, successive versions of the policy within the emerging local plan fail to identify sufficiently clearly the sorts of development which will, and will not, be permitted. We conclude that the deficiencies leave the policy fatally flawed and we have made some suggestions about how the deficiencies might be rectified. We have also made suggestions on how the associated text might be adjusted.

36.18 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

36.19 Accordingly, we recommend that Policy 33 Tourism Development as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should not be taken forward into the adopted local plan. Consideration should be given to its replacement with text which meets the reservations set out above before a policy on tourism related developments is taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

36.2 We note in passing that paragraph 6.3 introduces for the first time in the text of the emerging plan the Brundtland definition of sustainable development. We find that late entry to be rather surprising since that general approach permeates much of the preceding chapters of the emerging local plan. We have suggested in the introduction to section one of this report that the commitment to sustainable development and the creation and maintenance of sustainable communities could with advantage be introduced in a revised Chapter One of the CNPLP.

36.9 ... we suggest that in order to reflect the range of land use implications of item e) of the strategic objectives of CNPP 2007 on sustainable tourism a renumbered Policy 34 might usefully refer to Tourism Related Development rather than simply Tourism Development.

36.12 ... that Policy 33 refers to tourism-related facilities/attractions but makes no mention of the tourism related infrastructure including accommodation identified in the CNPP 2007 text. ... An appropriate reference to that would make explicit the link between the wording of item e) of the strategic objectives and Policy 33 as the land use policy by which it is intended that will be taken forward.

36.13 ... Turning to the second paragraph, the first sentence appears to be redundant in the light of the content of the first.

36.14 ... we suggest that the wording of the policy might be adjusted along the following lines.

Tourism related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure including accommodation will be supported provided that the development will not have adverse impacts on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the National Park which, in the judgement of the planning authority, outweigh that beneficial impact.

Any proposal which would reduce the range and quality of tourism attractions and facilities will be resisted unless it can be demonstrated to the satisfaction of the planning authority that there will be no adverse impact on the local economy.

36.15 ... we find that the reference to PAN 73 is misleading and it adds nothing of value to the associated text.

1. CNPA Analysis and Comment

1.1 In reviewing and considering the recommendations of the Reporters in regard to Policy 33, CNPA acknowledge the initial point relating to the definition of sustainable development. CNPA has agreed that there is a need for a clear commitment to sustainable development in the introductory sections of the Plan, and has included such a modification within the Vision of the Local Plan, its Preparation and its Uses chapter.

1.2 The Reporters go on to conclude that the policy does meet the strategic objectives of the CNPP 2007 and that it is justified to promote tourism related development and associated employment opportunities in the National Park.

1.3 In looking in detail at the policy wording, the Reporters suggest that to better reflect the strategic objectives of the CNPP 2007 the policy should refer to 'Tourism Development'. CNPA accept that this clarifies the link with the CNPP 2007 and also clearly defines to the reader what the policy relates to. They also consider there to be a need for a more explicit reference to tourism related infrastructure including accommodation, as included in the CNPP 2007 strategic objectives. CNPA again agree that a more explicit link to the wording of the CNPP 2007 would be beneficial and add clarity as to the background and justification for the policy.

1.4 The Reporters then assess the clarity of the wording, and how successful they consider it will be in implementation. They conclude that neither the wording in the deposit plan, nor the modifications provide adequate guidance. It appears clumsy and insufficiently linked to the strategic objectives. They suggest replacement wording. CNPA acknowledge the criticism of the current wording, and also of the need to reinforce the links to the CNPP 2007. CNPA has previously accepted the need to amend the plan to provide clarity to the reader, and in this case accepts that the suggested wording achieves this. CNPA therefore accept this wording in total to be contained within the policy. It clarifies for developers that CNPA will resist a reduction in facilities unless it can be demonstrated that there will be no adverse impact on the local economy.

1.5 In moving on consider the background text, the Reporters find the reference to PAN 73 misleading. CNPA accept that PAN 73 relates to Rural Diversification, and would not wish to include any wording which misleads the reader. CNPA therefore accept that this reference should be removed.

2. CNPA Decision

2.1 Accept the need to change the wording to reflect the wording in the CNPP 2007.

2.2 Accept the need to revise the wording of the policy, and in this, accept the suggested wording provided by the Reporters as an acceptable way of overcoming their concerns.

2.3 Accept the need to remove text from the background which is misleading.

3. Changes to plan needed to address decision

3.1 Change wording to 'Tourism Development'.

3.2 Replace the wording of the policy in total with the suggested wording provided by the Reporters.

3.3 Remove the reference to PAN 73.

Policy 33 Tourism Development

~~Development of tourism-related facilities / attractions, and proposals which support such facilities, will be favourably considered where they enhance the range and quality of tourism attractions and facilities, and/or lengthen the tourist season, have a beneficial impact on the local economy and do not have any adverse impact on the special qualities of the National Park.~~

~~All proposals should contribute to the development and protection of sustainable communities and maintain and enhance the quality of the visitor's experience. Any proposal which would reduce the tourist facilities of an area will be resisted unless it can be demonstrated to the satisfaction of the planning authority that the effects will not have an adverse impact on the sustainability of the surrounding community.~~

Tourism related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure including accommodation will be supported provided that the development will not have an adverse impacts on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the National Park which, in the judgement of the planning authority, outweigh that beneficial impact.

Any proposal which would reduce the range and quality of tourism attractions and facilities will be resisted unless it can be demonstrated to the satisfaction of the planning authority that there will be no adverse impact on the local economy.

Background and Justification

This policy supports the National Park Plan's Strategic objectives for:

- Sustainable Tourism

~~6.8 Scottish Government guidance given in Planning Advice Note 73 sees tourism as being of vital importance to the social, economic, environmental and cultural wellbeing of rural Scotland.~~ The National Park Plan identifies the fact that tourism accounts directly and indirectly for a significant part of the area's economy and has the potential to make a significant contribution to the regional and national economy. The key objectives of the National Park Plan relating to sustainable tourism promote high quality services created through a collaborative approach.

6.9 – 6.14 text unchanged

Issue	Policy 34 Outdoor Access		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020n
	James & Evelyn Sunley		056r
	Badenoch & Strathspey Conservation Group		400h(b)
	Scottish Campaign for National Parks		434m
	Mrs Jane Angus		437s
	Alvie & Dalraddy Estate		439z

Extract from the Reporters Report

Conclusions

37.11 When we review our findings we conclude that Policy 34 as drafted in the finalised version of the CNPLP meets the strategic objectives of the CNPP 2007 and other relevant national and strategic guidance; it identifies sufficiently clearly the sorts of development which will, and will not, be permitted; and the associated text, which deals with the background and justification for the policy as well as the manner of its implementation and monitoring, is soundly based.

37.12 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

37.13 Accordingly, we recommend that Policy 34 Outdoor Access as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and its associated text should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

None

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters, CNPA acknowledges the support for the strategic framework provided in the CNPP 2007. We welcome the recommendation that finds the policy sets the appropriate level of protection.

1.2 We continue work on the production of the Open Space Audit and supplementary guidance regarding open space and access rights throughout the Park area.

2. CNPA Decision

2.1 Accept the recommendation to take the policy forward into the adopted Local Plan without the need for further change or modification.

3. Changes to plan needed to address decision

3.1 No change needed

Issue	Policy 35 Sport and Recreation Facilities		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020n
	DW & IM Duncan		037m
	Sportscotland		380c

Extract from the Reporters Report

Conclusions

38.9 Drawing these matters together, with the proviso that CNPA will prepare a local facility strategy and a playing field strategy in the context of the forthcoming Local Development Plan, to comply with SPP 11, we find that Policy 35 as drafted in the finalised version of the CNPLP, meets the strategic objectives of the CNPP 2007 and other relevant national and strategic planning policy. Further, bearing in mind the adjustments made to the wording in deposit plan, we find that the policy identifies sufficiently clearly the sorts of development which will, and will not, be permitted and, if not, what adjustments should be considered. Lastly, we must conclude that sharing of the associated text with Policy 36 Other Open Space Provision in the finalised version of the CNPLP is an unsatisfactory way forward and CNPA should consider adding a separate and specific justification for Policy 35.

38.10 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

38.11 Accordingly, subject to careful consideration of the reservations set out above we recommend that Policy 35 Sport and Recreation Facilities as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and its associated text should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

38.5 ... No local facility strategy or playing field strategy for the National Park as a whole or for any of its constituent settlements has been drawn to our attention, but that is a matter to which CNPA can turn its attention in the preparation of the forthcoming Local Development Plan.

38.8 ... we have found above that Policy 35 is worthy of independent identification and related to that we expected to find, as a matter of good practice, at least a separate justification for its inclusion within the local plan.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to Policy 35, the Reporters consider it an omission that CNPA has not prepared a local facility strategy or a playing field strategy. However they consider this is something

which can be prepared at the time of the Local Development Plan, and CNPA accept this as an appropriate way forward to address the omission.

1.2 Whilst the Reporters agree with the text of the policy they consider it a matter of good practice that the policy should have a separate justification as a minimum by way of background text. CNPA accept that combining the background text with Policy 36 does not provide sufficient clarity on justification, implementation or monitoring. As a result CNPA will modify the text accordingly.

2. CNPA Decision

2.1 Accept the need for a playing field strategy and a local facilities strategy to be prepared for the Local Development Plan.

2.2 Accept the need for separate supporting text for the policy, separate from that for Policy 36.

3. Changes to plan to address decision

3.1 Amend the background text for policy 35 and 36, separate these, and provide text to support each one.

Policy 35 Sport and Recreation Facilities

Text unchanged

Background and Justification

These policies supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Sustainable Communities
- Outdoor Access and Recreation

6.18 The Cairngorms National Park hosts a wide range of formal recreational facilities, from sports pitches and sports centres to ski centres, golf courses and mountain bike centres. There are also many other public and amenity open spaces, ranging from public parks, landscaping schemes within large-scale developments, and formal equipped play areas.

6.19 Scottish Government policy given through SPP highlights the importance of providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities. The policy therefore aims to ensure the needs of local communities for recreational space and facilities are accommodated, and protected where facilities exist. This should include informal and formal recreation provision, as well as adequate provision of open space.

6.20 The National Park Plan recognises that it is vital to many aspects of the National Park's environment, communities and economy that there are a range of high quality opportunities for people who enjoy the area in ways that conserve the special qualities and maximise the benefits to all sectors.

Implementation and Monitoring

6.21 Through the determination of planning applications, the Local Plan will seek to protect existing and future additions to formal recreational provision, including playing fields and other sports and recreation facilities.

6.23 With regard to formal recreation provision, the Cairngorms National Park Authority recognises the economic and recreational benefits that these centres provide to residents and visitors. The Local Plan recognises that many of these facilities are constrained by their sensitive location and supports their development where this is done in harmony with the location, and where the proposal extends the tourist season and the availability of facilities to communities, and is designed to the highest standards.

6.24 The policy will be monitored using analysis of developments permitted which affect recreation opportunities within the Park, and which have had an impact on existing facilities

Issue	Policy 36 Other Open Space Provision		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400h(c)
	Mrs Jane Angus		437t
	Reidhaven Estate		456j

Extract from the Reporters Report

Conclusions

39.9 Drawing these matters together, we have found no relevant strategic objectives in the CNPP 2007. As a result, we have relied upon SPP 11 as the strategic context for Policy 36. Against that, while we have noted a significant shortcoming in terms of the lack of an open space audit to form a firm basis for Policy 36, we are satisfied that the broad objective of the policy accords with relevant national and strategic planning policy.

39.10 Next, with the glossary definition of the term open space as clarification, and with the reference to maintenance that has been added to the wording of Policy 36, we consider that it identifies sufficiently clearly the sorts of development which will, and will not, be permitted.

39.11 Lastly, we stress again our concern about the lack of an audit to secure the implementation of Policy 36. As a result of that, we consider that the associated CNPLP text is not soundly based.

39.12 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

39.13 Accordingly, subject to consideration of the reservations set out above we recommend that Policy 36 Other Open Space Provision as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and its associated text should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

39.6 ... the CNPLP does not accord entirely with the requirements of national planning policy for the lack of an open space audit upon which to base a judgment concerning the loss of any open space. PAN 65 contains specific advice on how such an audit might be undertaken and we regard this lack as another significant flaw that must be addressed in the forthcoming Local Development Plan.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters in regard to policy 36 CNPA have acknowledged that the work on the open space audit and strategy is ongoing, and has given its commitment to the production of guidance on open space which will be complete by the adoption of the plan.

1.2 CNPA however welcomes the recognition that the policy accords entirely with the spirit and intention of the SPP.

1.3 Bearing in mind the previous recommendation for separate background text for policies 35 and 36, CNPA also puts forward modifications to ensure this.

1.4 The Reporters in their recommendations regarding the proposals maps of the plan, as set out in Section 3 of their report, highlight their concern that the ENV designation is not clearly linked to a policy to give it a firm footing in the decision making process. CNPA has accepted the need to clarify that ENV sites will be assessed under this policy. The supporting text on Implementation of this policy will be amended clarify this.

2. CNPA Decision

2.1 Accept the need for an open space audit and CNPA gives its full commitment to the production of this to assist in the implementation of the plan on adoption.

3. Changes to plan needed to address decision

3.1 In light of the changes required to Policy 35, provide separate background text for policy 36.

3.2 Change the background text to clarify this policy provides the policy footing for the ENV site allocations identified on the proposals maps.

Policy 36 Other Open Space Provision

Text unchanged

Background and Justification

These policies support the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Sustainable Communities
- Outdoor Access and Recreation

6.25 The Cairngorms National Park contains a wide range of public and amenity open spaces, ranging from public parks, landscaping schemes within large-scale developments, and formal equipped play areas. The importance placed on open space and recreation development is evident through various National and International conventions and strategies. These focus on improving opportunities to access outdoor play areas, increasing the amount of physical activity undertaken by the population and improving participation and performance. Reference should therefore be made to the latest national and internationally produced relevant to planning policy development.

6.26 Planning Advice Note 65 'Planning and Open Space' gives guidance on how best to ensure open space is provided for in the planning process. This also places a duty on planning authorities to prepare an Open Space Strategy, and this will become supplementary to the Local Plan. The Local Plan policies therefore aim to ensure the needs of local communities for recreational space and facilities are accommodated, and protected where facilities exist. This should include informal and formal recreation provision, as well as adequate provision of open space.

Implementation and Monitoring

6.27 Through the determination of planning applications, the Local Plan will seek to protect public and amenity open space. For the avoidance of doubt the sites referred to in this policy are those allocated as ENV within the proposal maps.

6.28 To assess the existing and future provision of both formal and other forms of public and amenity open space within settlements, the National Park Authority will work with the relevant Local Authorities to carry out an open space audit. From this, and any community needs assessments, an open space strategy will be developed to guide the future development of such spaces and set out design

standards to be adopted. Developers should refer to this and any other relevant supplementary guidance such as site specific design briefs, in support of any applications.

6.29 Adequate arrangements will also be made for long term maintenance of open space within and associated with new developments, and these arrangements will be in place prior to the granting of any permission.

6.30 The policy will be monitored using analysis of developments permitted which affect recreation opportunities within the Park, and which have had an impact on existing facilities.

Issue	Policy omissions		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Dr A Watson	Objection refs	020k/m/p
	DW & IM Duncan		037u
	Reidhaven Estate		456b

Extract from the Reporters Report

Conclusions

40.12 Based on all of the above, we agree with CNPA that the CNPP 2007 and the CNPLP should be read together as components of a single policy framework. Within that context, we can readily appreciate that CNPA has set out to prepare a local plan with policies that, when read together, are sufficient to assess the merits of all forms of development. We also agree that there should be no unnecessary proliferation of policies within the local plan. However, for the various reasons set out above, we are satisfied that in the special circumstances of the National Park serious consideration should be given to the addition of a policy designed to manage the development of access paths, foot bridges, and vehicle tracks particularly in remote areas. On the other hand we are not persuaded that additional policies should be added to the emerging local plan to deal with forestry and agricultural operations; advertisements and other signage; and road standards. These matters should be considered as candidate for supplementary guidance.

40.13 We have considered all of the other matters drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

40.14 Accordingly, we recommend that a policy designed to manage the development of access paths, foot bridges, and vehicle tracks especially in remote areas should be incorporated into the CNPLP before it proceeds to adoption. We further recommend that CNPA considers farm and forestry buildings, amenity considerations for advertisement control, and access and parking standards as matters for inclusion within supplementary guidance.

Additional Suggestions/Reservations to be addressed

40.4 ... CNPA conceded at the hearing on Policy 7 Landscape that consideration should be given to the introduction of a separate policy on wildness and related matters in the forthcoming Local Development Plan.

40.6 ... While we recognise that there are policies within the emerging local plan which deal with each of these matters, we fear that their application to particular cases may prove cumbersome for the planning authorities to manage and opaque to prospective developers.

40.7 ... we cannot agree that the approach adopted by CNPA is enough to address these concerns, even in the interim between the adoption of this local plan and

emergence of the forthcoming Local Development Plan. We note that Policy Env\21 of the adopted Aberdeenshire Local Plan 2006 states: Development involving vehicle hill tracks, insofar as it is not Permitted Development, will be refused unless it can be integrated satisfactorily into the landscape and minimise detrimental impact, such as soil erosion, on the environment including habitats and watercourses (CD 6.5, page 34). While we do not necessarily advocate the transfer of that policy verbatim to the emerging CNPLP, we see it as a way forward worthy of immediate investigation.

40.8 ... design and siting of proposed developments may be relevant to CNPA's forthcoming supplementary guidance and there may be scope to incorporate within this the sound advice in PAN 39: Farm and Forestry Buildings.

40.10 ... we see no overwhelming need for an additional policy on advertisement control should be incorporated into the CNPLP. However, we are aware that some planning authorities have issued helpful guidance and CNPA may also wish to address this in due course.

40.11 ... we recommend that CNPA should at least encourage these authorities to devise common standards to apply across the Park. In the meantime, we recommend further supplementary guidance be issued to make clear which standards apply to which developments, and in which particular places throughout the Park.

1. CNPA Analysis and Comment

1.1 In considering the recommendations made by the Reporters regarding various policy omissions, CNPA acknowledges that it conceded at the inquiry that it would consider a separate policy on wildness, but that this would form part of the work on the Local Development Plan.

1.2 The Reporters then consider the issue of tracks and access. CNPA has conceded in its decision for Policy 7, that it agrees the issue is important. However it recognises that in considering such a policy views can be divergent and CNPA do not therefore accept that the best course of action is to introduce a policy at this late stage in the plan making process. CNPA will use the ongoing work looking at wildness to inform further work looking at this topic, and will assess the need to raise this as a main issue with the first stage of the development of the Local Development Plan. Any new policy to be included will be subject to full consultation with the widest stakeholder involvement. In the event that the first stages of this work flags up the need to take more immediate action, CNPA will move forward supplementary guidance to support the Local Plan

1.3 The Reporters then consider the design of forestry and agricultural buildings, and the assessment of adverts would be suitable topics for production of supplementary guidance. CNPA has given its commitment to the production of a suite of supplementary guidance which will be produced to support the implementation of the Local Plan. With its limited resources, CNPA is keen to produce the SPG which has been agreed as important to the implementation of the plan. CNPA is however committed to monitoring the way in which the policies are implemented to assess their success, and through this, if it becomes clear that

additional supplementary guidance would be helpful, this will be brought forward as soon as practical.

2. CNPA Decision

2.1 Accept the need to consider a policy on wildness in the Local Development Plan.

2.2 Accept the need to carry out more work on access tracks and bridges notably in montane and other relatively remote area. However CNPA do not accept the need to include this at this late stage in the process, and will cover this in the work to prepare the Local Development Plan, with the commitment to produce supplementary guidance to support this plan should the initial stages of work find this to be an appropriate course of action.

2.3 Accept the need to monitor the implementation of the Local Plan policies, and produce any necessary supplementary guidance as soon as practical.

3. Changes needed to address decision

3.1 None

Introduction to Section 3 of the Report

Extract from the Reports Report

Additional Suggestions/Reservations to be addressed

41.2 ... it would have been helpful to have further explanation and an indication of the resident population size and array of service provision which would maintain the position of a settlement within the hierarchy or justify its promotion upwards.

41.3 ... We suggest that a way forward for CNPA in clarifying its approach to land allocations to particular settlements might be to prepare a vision for each of constituent settlement of the hierarchy to explain the direction in which it is proposed that the settlement would progress as a sustainable community within the Park and in accordance with its role in the hierarchy.

41.4 ... the CNPA approach to land allocation appears to lack the rigour which this task demands. This deficiency in presentation and any related defect in process should be rectified by the introduction of an explanation of the approach to land allocation which is fully justified and readily accessible to all users of the plan.

41.5 ... We suggest that if it is the intention of CNPA to support mixed uses at a particular location then that should be made clear both in the proposals map and in the supporting text. On the other hand, if the intention is to support developments which are wholly or predominantly related to housing, economic development or community uses however these may be defined, then the plan should follow the requirements of current Scottish Planning Policy and indicate concisely and in plain English where these developments should happen and where they should not.

41.6 ... we are surprised to see land in a proposals map which has no readily identifiable policy underpinning and if the intention is that there is to be a moratorium on development in the identified areas then that should be made plain and be justified.

41.7 ... the proposals maps identify settlement boundaries beyond which it is expected that proposals will require justification for their selected location. ... we suggest that the criteria adopted by CNPA in drawing boundaries on the proposals maps be made clear and justified.

1. CNPA analysis and comment

1.1. In considering the comments made by the Reporters in their introduction to Section 3 of the Report, CNPA accept that it would have been helpful for both the Reporters and the reader to have clearer information on the settlement hierarchy. CNPA has already acknowledged the need to refine the approach to the settlement hierarchy and has stated its commitment to undertake this in conjunction with the preparatory stages of the Local Development Plan.

1.2 The Reporters go on to suggest the preparation of a vision for each settlement. CNPA has already acknowledged that while a more detailed vision for

the development of each settlement might also assist, CNPA do not feel it appropriate to develop such a settlement specific vision at this late stage in moving the Local Plan towards adoption. The development of a vision will therefore form an integral part of the stakeholder engagement on the Local Development Plan where communities can have full and detailed input into the vision for their own settlement.

1.3 The Reporters then go on to review the way in which sites have been allocated within settlements. In evidence at the Inquiry CNPA conceded that although it had not set out with sufficient clarity how this was done, it had used the existing adopted local plans as a starting point. CNPA provided additional evidence in Topic Paper 4 which was presented at the Inquiry. CNPA accept that providing this information as an appendix to the report would have assisted the reader from the outset, and will take this suggestion on board as the work on the preparation of the Local Development Plan begins.

1.4 The Reporters then consider the issue of mixed uses on allocated sites. It is their view that the wording within the introductory section to the Settlement Proposals is not sufficiently clear to indicate to the reader that is intended. CNPA accept that it should be clear what is intended when a reader reviews the proposals for any given settlement without the need for reference back to the introductory section for Chapter 7 of the Plan. A footnote will therefore be added to the text for each settlement to clarify this.

1.5 The Reporters make the point repeatedly throughout Section 3 of their report that they are surprised to see land in the proposals maps which has no readily identifiable policy underpinning it. Specifically looking at the ENV designation, it fails against generally applied best practice for local plans as it has no secure policy footing, no evaluation process for the allocation, no clear correlation between the sites designated, unclear guidance about what the practical implications of the designation might be.

1.6 CNPA wish to point the Reporters to Policy 36 Other Open Space Provision. Within this policy there is a clear presumption against development that would result in the loss of existing provision, particularly where the affected site has been identified within the Local Plan proposals maps or Open Space Strategy. Criteria are then listed for the assessment of proposals which would result in such a loss. CNPA accept that the supporting text does not explicitly clarify that this refers to the ENV designations, and accepts therefore the need to rectify this. Reference is made accordingly in the assessment of that policy.

1.7 Finally the Reporters consider the way in which the settlement boundaries were selected. CNPA gave evidence at the Inquiry to confirm that it had used the existing local plans as a starting point, and then used the tests of defensibility together with existing planning consents to refine this information.

2. CNPA Decision

2.1 Accept the need to clarify the position regarding mixed use developments

2.2 Accept the need to clarify the link between ENV designation and its policy footing.

3. Changes to plan needed to address decision

3.1 Include a footnote to the text of each settlement to clarify that 'Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals'.

3.2 Add clarification in the supporting text of Policy 36 that the policy refers to ENV land identified on the proposals maps.

3.3 Delete para 7.9 which refers to a table which has been deleted as a result of these modifications.

~~7.9 Table 4 in section 5 of the Local Plan provides a list of the indicative capacity for housing available within each settlement, with a guide for the numbers of dwellings required within the lifetime of the Local Plan.~~

Issue	An Camas Mòr		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400i(g)
	Scottish Campaign for National Parks		434p
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037o
	Roy Turnbull		390o
	The Clouds Partnership		398f
	Aviemore & Vicinity Community Council		416o
	Jim Cornfoot		432c

Extract from the Reports Report

Conclusions

42.37 Taking all of the above together, we have found that there are contradictions and unaddressed issues inherent in the existing development plan that seem to have been carried forward without question into the finalised version of the CNPLP. In addition, the nature of the proposal has altered and the policy context has changed significantly with the designation of the National Park. As a result of all of this, a re-evaluation of the An Camas Mòr proposal is justified and over reliance on policy history is not appropriate. The designation of the National Park represents a significant change in circumstances and the continued relevance of development plan policy history is consequently diminished by approval of the CNPP 2007.

42.38 We have found no explicit reference to a new settlement in the CNPP 2007, which is surprising given the established site history, the wide significance of the proposal, and current apparent progress towards delivery. Further, on the evidence before us, we cannot find that the CNPP 2007 implies support for the new settlement or that the proposal accords with relevant strategic objectives from the CNPP 2007. This view is based on the following.

42.39 It appears that An Camas Mòr has been designated as a strategic settlement in the finalised CNPLP without adequate assessment of whether that role remains necessary, appropriate, and justified. This is a considerable shortcoming given the potential for harm to the established strategic settlement of Aviemore, which other planning policies aim to protect and grow. Turning to national planning policy, An Camas Mòr could be justified by settlement capacity and constraint, but again we have been shown insufficient evidence to justify the proposal in these terms.

42.40 We have concluded elsewhere that CNPA has been overly generous in the calculation of the housing land supply required for the National Park as a whole. While this may be deliberate policy, as far as An Camas Mòr is concerned, the available evidence does not support the allocation of so much housing land in one place. Further, we have no capacity study information to show that the proposal is the only way of providing enough extra housing to satisfy the requirements of residents of the Park. This argument applies, in particular, to affordable housing, where we also question whether the amount that An Camas Mòr could produce on

application of Policy 21, especially in the first phase of development, is as significant or as persuasive as CNPA has suggested. We remain uncertain about whether that need could and should be accommodated in a different way.

42.41 Planning policy at all levels requires the consideration of landscape and natural heritage impacts and both are of considerable importance for An Camas Mòr given its National Scenic Area and Special Area of Conservation status. Despite this, the only evidence available to us is Topic Paper 4a and the Landscape Capacity for Housing Study. On close examination, neither of these endorses the proposal as put forward in the finalised local plan. The Special Area of Conservation in particular demands a rigorous assessment of necessity and an appropriate assessment where harm is likely. It is of major concern to us that negative impacts are predicted and no appropriate assessment has been provided. Similarly, no details of mitigation have been provided and no socio-economic benefits of national importance in the public interest have been described.

42.42 Overall therefore, on the evidence before us, we cannot conclude that the proposed new settlement at An Camas Mòr accords with strategic and relevant national planning policy. There are landscape and biodiversity matters that constrain the allocation of land to a significant extent, which have not been satisfied and again, on the evidence before us, An Camas Mòr may satisfy many of the effectiveness criteria set out in SPP 3, but it leaves unanswered some significant issues about the financial viability of the development and phasing. Consequently, we must recommend a thorough re-evaluation of the An Camas Mòr proposal, which process should include justifying it against the strategic objectives of the CNPP 2007 and satisfying the requirement for an appropriate assessment, before the new settlement proposal is taken forward. Nevertheless, for all of the above reasons, we have found no need to compensate for the displacement of housing land at An Camas Mòr and, even if there was such a need, again on the evidence before us, Kinakyle is not a better substitute for development.

42.43 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

42.44 Accordingly, given the considerable uncertainty that we have described above, especially about environmental issues including the lack of an appropriate assessment, and about the housing land position, we cannot endorse the proposal for a new settlement at An Camas Mòr. However, given the site history in particular, we recognise that CNPA may wish to continue to promote this proposal. Under those circumstances, the shortcomings that we have described above should be addressed and we recommend that the plan text should be modified to make clear that the local plan support for the proposal is in principle only. Further detailed evaluation is required and CNPA must be completely satisfied regarding all of the potentially negative impacts of the proposal before development can proceed. In addition, if CNPA decides to continue to promote development at An Camas Mòr, we commend the development principles produced to the inquiry (CD 7.25), subject to augmentation and adjustment as described in our findings and conclusions that are set out above.

1. CNPA analysis and comment

1.1 In reviewing the allocation of An Camas Mòr the Reporters conclude that the National Parks (Scotland) Act 2000 and subsequent creation of the Cairngorms National Park justifies a re-evaluation of the inherited development plan approach. The designation of a site in the existing development plan does not mean that it should be carried forward automatically into this Local Plan. The Town and Country Planning (Scotland) Act 1997 clarifies that in formulating the proposals in the local plan the planning authority “shall secure that the local plan conforms generally to the structure plan”.

1.2 They go on to conclude that a new settlement is not supported by the strategic context set out in the CNPP 2007 and is in fact contrary to its strategic objectives. CNPA accept that the National Park Plan is silent on the subject of An Camas Mòr as a new settlement. In response, the introduction to the Living and Working section of the CNPP makes it clear that National Park designation brings new focus to finding solutions that are sustainable in the long term with the National Park having potential to contribute to the well-being of the wider region. There is specific reference to *creating and maintaining sustainable communities* (5.2.1 and 5.2.2 p66). CNPA accept that the CNPP does not specifically refer to An Camas Mòr as a strategic settlement, but Aviemore is identified as a main settlement and it is consequently important to consider the relationship between the two and the mutually supportive role that is set out in the CNPA Principles. The CNPP states that *Aviemore is distinct in being a significant economic driver and a growth centre for the wider region and city of Inverness.* (5.2.2 p66) It therefore has a distinctive role to play within the Park. The CNPP Strategic Objectives for Sustainable Communities include active encouragement of a population in the National Park that can continue to support thriving communities in the long-term, in the short term seek to retain and attract more young people, and make pro-active provision to focus settlement growth in the main settlements. Given its particular status in the CNPP, Aviemore has an important role to play in delivering the long term aspirations in the plan, not only for housing, but for the economy.

1.3 Aviemore itself does not have the capacity to accommodate the growth that is envisaged in the CNPP to fulfil its long term role within the Park and the wider region: it has reached its natural limits and this is borne out in the Reporters conclusions in regard to Aviemore. It is the constrained capacity in Aviemore and surrounding villages that led to the identification of An Camas Mòr in the existing local plan and in the Highland Structure Plan. The CNPP identifies the need for growth for Aviemore and it is therefore reasonable for this Local Plan to look ahead beyond the 5 year period and indicate how to accommodate that longer term growth. To summarise, the CNPP identified Aviemore as a growth centre and the Local Plan has responded by an allocation to create a community at An Camas Mòr to ensure this growth can be provided for in years to come.

1.4 Many settlements in Badenoch and Strathspey have accommodated relatively significant levels of development in relation to their size over the last few decades. If this process continues there will come a point when the character of a settlement is diminished to an extent that it cannot be retrieved. Whilst there will continue to be a need for some development in settlements, and this local plan does make ongoing

provision, the last local plan took the view that An Camas Mòr was required for much of the future need of the area. The Reporters did not consider that the rationale behind this point had been demonstrated. It was not just an issue of capacity of other settlements, but the impact on the character of providing that capacity. The CNPP 2007 (p5) identified that in 2006 new development in places detracted from the pattern and character of settlements and the outcome for 2030 was a position where the built heritage of the Park will be safeguarded and settlement pattern and character will be complemented and enhanced by new development. There is consequently justification in the CNPP 2007 for this approach.

1.5 Beyond specific reference to Aviemore and its role as a growth centre, it is important to consider the contribution that An Camas Mòr will make in setting an exemplar for delivery of many of the outcomes that will contribute to the National Park Plan Vision for 2030 (p4):

An outstanding environment in which the natural and cultural resources are cared for by the people who live there and visit: a renowned international destination with fantastic opportunities for all to enjoy its special places; an exemplar of sustainable development showing how people and place can thrive together. A National Park that makes a significant contribution to our local, regional and national identity.

1.6 Of course delivery of this Vision has to be reflected across the Park, and the CNPA is looking to all settlements to contribute, but An Camas Mòr offers the opportunity to create an exemplar of sustainable development from the very beginning contributing to a range of the strategic objectives and thus to wider delivery of the Vision. This will provide best practice and influence activity elsewhere in the Park and further afield. It will be a thriving and sustainable community (p6 & 5.2.2 p66). It will provide for businesses which will thrive, help deliver economic, social and environmental sustainability, and contribute to the wider regional economy (p6 & 5.2.3 p69 & p70). There will be high standards of sustainable design reflecting the character of the Park (p5, p6 & 5.2.4 p72). Its location close to Aviemore and major transport infrastructure provides an opportunity for reducing private car use by making positive provision for access to public transport and for walking/cycling to be an attractive alternative to the car (p6 & 5.2.5 p74). It offers opportunities for maximising energy efficiency, use of locally produced renewable energy (p6 & 5.1.3 p49) and effective waste management (p6 & 5.2.6 p76).

1.7 The Development Principles adopted by the CNPA reflect the various strands that contribute to the CNPP 2007 Vision. Any subsequent planning application(s) will have to demonstrate adherence to these principles (and therefore the Vision) before planning permission can be granted and the ongoing process would involve numerous checks to ensure that this is ongoing as the community develops.

1.8 The CNPA accepts that the role of An Camas Mòr in delivering the CNPP should have been better articulated within the Local Plan. This clarification has now been provided and it will be clearly stated in both the next National Park Plan and Local Development Plan.”

1.9 The Reporters then go on to repeat their concerns regarding the approach to housing land allocations. CNPA has set out its analysis, decision and post inquiry modifications to this issue in the General Housing Land Supply section to this report. As part of this work the effectiveness of sites has been reviewed against the published housing land audits produced by the constituent Local Authorities. It is clear from these that the land has not been included within the effective housing land supply. CNPA therefore has removed An Camas Mor from its land supply calculations. However, bearing in mind the previous issue regarding conformity with the structure plan, CNPA remains committed to the allocation as a strategic settlement to meet the future needs of the area beyond the life of the plan.

1.10 The Reporters go into some detail regarding the appropriate assessment which must be undertaken in compliance with the Conservation (Natural Habitats &c.) Regulations 1994. CNPA in reading these comments are of the view that it has complied with its obligations under these Regulations 1994. With the help of our partner organisation, Scottish Natural Heritage, an appraisal was undertaken of the plan as a whole including all its allocations, including An Camas Mor. The appraisal has been published on the CNPA web site and the outcomes have influenced the modifications made to the wording of the text associated with the allocation.

1.11 The Reporters then move on to review the allocation against the landscape capacity study. The Reporters give considerable weight to the Cairngorms Landscape Capacity Study and view it almost as a policy document in its own right. It is not adopted guidance, but a piece of work that was commissioned by CNPA to inform work on the Local Plan along with other considerations. The study accepted the principle and made a number of recommendations including moving the settlement closer to the river. In doing so the consultants were viewing An Camas Mòr as an extension of Aviemore rather than a means of accommodating longer term growth for Aviemore by a new community that has an important relationship with it. The CNPA consider that the two linked communities with the park on either side of the River Spey between them, as articulated in the Principles, is the correct approach.

1.12 Finally regarding the site, they review the principles for the development of the new settlement presented to the Inquiry as additional information. Whilst accepting them as useful the Reporters do not find them sufficient to remove their concerns that An Camas Mor cannot make an appropriate contribution to the effective land supply during the life of the plan. CNPA would however wish to take these principles forward in the commitment to the site, to assist in guiding development.

1.13 Finally the Reporters look at an alternative site for a new settlement. They conclude that the proposed site is not an appropriate substitute and CNPA agree with this conclusion.

2. CNPA Decision

2.1 Accept the recommendation to support An Camas Mòr in principle, and in doing so remove it from the effective housing land supply to meet the need for housing in this local plan.

2.2 Accept the inclusion of the development principles to assist in the delivery of the development.

2.3 Accept that CNPA must be satisfied regarding the potentially negative impacts of the proposal before development can proceed.

2.4 CNPA do not accept the criticism regarding the appropriate assessment which has been undertaken in compliance with the Regulations.

3. Changes to plan needed to address decision

3.1 Amend text to clarify that the site is included to meet the long term housing needs of the area, and does not contribute to the effective housing land supply for the life of this plan.

3.2 Include clear reference to the development principles to guide the future development of the site.

3.3 Add text to clarify that any development must not have an adverse impact on the National Scenic Area.

An Camas Mor

i. The Local Plan continues the proposal for a new sustainable community at Cambusmore (now named An Camas Mor), on the east side of the River Spey opposite Aviemore, that was identified in the Badenoch and Strathspey Local Plan 1997 and in the Highland Structure Plan 2001.

ii. The Local Plan identifies an indicative settlement boundary for the site, within which it is expected that development of a community of up to 1500 homes could be developed over time. ~~The Local Plan identifies a need for the development of An Camas Mor to start within the lifetime of the Local Plan and sets a target of 100 homes to be completed within the next five years.~~ The National Park Authority will continue to work closely with the developers for the site, interested parties and consultees, to ensure realistic and appropriate timescales are set and adhered to, and that through such partnership workings, the effectiveness of the site is realised ~~within the predicted timescales.~~

iii. Development of the site will require a detailed transport assessment and this should examine the various access issues facing the site, including the impact of the development on the trunk road and local road network, the impact on the nearby rail network, and the need for non motorised access across the Spey to link the community with Aviemore.

iv. In addition to housing, the settlement will provide commercial and community uses. The National Park Authority will work with partners to produce a detailed masterplan for the site. Within this the requirements to create a sustainable community including economic development opportunities, community facilities and other forms of development will be detailed, within design guidance for all forms of development, which should attain the highest design and sustainable development credentials. The masterplan will also include mitigation measures required as a result of the development.

v. The development of An Camas Mor presents an excellent opportunity to provide opportunities for large and small scale developers and builders to work together to bring forward the delivery of the settlement. This will be recognised in the masterplan.

vi. Development of the An Camas Mor site has potential to have significant effects on the River Spey SAC. Permission for development will only be permitted if the planning authority is satisfied that proposals have been designed to the highest standards that do not adversely affect the integrity of the River Spey SAC.

vii. The whole of An Camas Mor also sits within the Cairngorm Mountains National Scenic Area. As such development will only be permitted if the planning authority is satisfied that proposals have been designed to the highest standards that avoid and mitigate any significant adverse effects on the environment and protect the overall integrity of the Cairngorm Mountains National Scenic Area.

viii The development of the site must accord with the approved development principles which were approved by CNPA in December 2008. (Appendix 4)

ix Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Appendix 4- Development Principles for An Camas Mòr

These are the principles that the Cairngorms National Park Authority expects to see reflected in any masterplan and planning application for the new sustainable community of An Camas Mòr. There is an expectation that the submitted proposals will describe how the principles can be delivered. There would then be a requirement that they would be fully worked up within subsequent detailed applications. It is appreciated that certain aspects of the principles will depend on the way the development is promoted and used once it is in place, but the layout, design and embodied culture can influence this to a significant extent. The way in which the principles are addressed in the documents supporting any planning application will be central to consideration of the application by CNPA acting as planning authority.

Fit for a National Park

An Camas Mòr will have the distinction of being the only new community planned for a National Park. It will make a significant contribution to the delivery of the National Park aims and set an outstanding example of what is possible in a National Park context. It will help to deliver the Cairngorms National Park Plan and emerging Local Plan. It will reflect the special qualities of the National Park and incorporate a wide range of sustainability measures in its design, layout and function. An Camas Mòr will be internationally acclaimed as an exemplar of sustainable development and building design in a very sensitive location. It will be an inspiration and a delight.

A Real Cairngorms Community

An Camas Mòr will be an inclusive and vibrant community with a demographically balanced resident population. It will embrace diversity and provide for all abilities. It will be recognisably “Cairngorms”. It will be a real community, not a holiday village or second home enclave, and will provide the range of facilities commensurate with that status. It will be a healthy community with access to the full range of recreation and sports facilities. It will have a distinct cultural identity that takes account of existing traditions and way of life in the surrounding area.

Climate Change

An Camas Mòr offers an opportunity for a real community-wide contribution to the challenge of climate change. It will offer an exemplar of living with the weather: coping with exposure and maximising solar gain, capturing higher rainfall and dealing with longer dry spells. It will offer an opportunity to maximise use of existing technology and test new solutions to climate change issues including energy efficiency, use of a range of renewable sources for heat and power, water and waste minimisation/recycling.

Relationship With Aviemore

An Camas Mòr will be a community in its own right, but by virtue of its location it will have a special relationship with Aviemore. Many of the services used by residents of the community will be in Aviemore and over time this will be reciprocated. There is a longstanding expectation locally, that the land on either side of the River Spey should be made available as a resource for the Aviemore and An Camas Mòr communities for recreation and leisure with potential, inter alia, for sports facilities, playing fields, paths, woodland, and allotments. Various parties are currently active in pursuing the realisation of this aspiration. Fundamental to its 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 masterplan for An Camas Mòr will be expected to acknowledge this objective and demonstrate how An Camas Mòr, with other parties, will directly contribute to its delivery.

Landscape Context

An Camas Mòr will take account of and respond to the wider landscape context. The development will incorporate a sequence of spaces that integrate it effectively with its surroundings. There will be a strategy for long term management of shared space and landscape. There will be a strategy of pre-planting from the outset both within and outside the site to ensure full integration with the landscape from an early stage.

Delivery

An Camas Mòr will show how private and public investment and a range of small and large developers will consistently work together when the land is no longer in one ownership, over all phases of the development, to create a new community with a distinct and cohesive identity and sense of place. It will demonstrate how the scale of growth is linked to social development of the new community.

Movement

An Camas Mòr will seek to actively discourage the use of private cars through detailed design, early provision of regular and affordable public transport links, and provision of a network of paths for walkers and cyclists giving effective links within the community and with the surrounding area. Roads within the development will safely give priority to walkers/cyclists of all abilities and will seek to establish new standards for informal layout and design which The Highland Council will accept for adoption.

Biodiversity

An Camas Mòr will be expected to demonstrate how a development of this size and quality can both conserve and enhance the biodiversity of the site and surrounding area. This will include a comprehensive range of mitigation measures integrated at every level within the development and enhancement of habitat networks throughout the area within and surrounding the development. Where mitigation is not possible within the site boundary, enhancement works beyond the site will be expected to ensure a net enhancement to the natural heritage of the Park.

The Built Environment & Public Realm

An Camas Mòr will reflect consistently high standards of design at all levels in terms of both quality and sustainability in its widest sense. It will have regard to the building traditions of the area in terms of form and materials, but will reflect its time. It will maximise use of locally sourced materials, particularly timber. It will create an An Camas Mòr distinctiveness that reflects its location in the Cairngorms. It will show how higher density is compatible with the landscape context, the provision of good quality housing and a place where folk will enjoy living and working. The design and location of spaces will be as important as the buildings. It will include landmark buildings and structures to contribute to its distinctiveness. Lighting on roads, paths and throughout the development will be designed to minimise impact on the night sky, to conserve energy and to provide for people's actual needs.

Affordable Housing

An Camas Mòr will make a significant contribution throughout its development to the provision of the full range of affordable housing to meet local needs within the National Park. It will demonstrate how both the public and private sectors will work together to deliver affordable housing. It will show how such housing will remain affordable and available for local people.

A Place to Work

An Camas Mòr will be designed and promoted to actively encourage the provision of jobs within the community and seek to minimise levels of commuting. It will incorporate space that is designed for or can be easily adapted for employment uses. It will facilitate home working. It will have a strategy for attracting and stimulating a wide range of business opportunities that complement the ethos of the community.

Issue	Aviemore settlement boundary		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037n
	Roy Turnbull		390n
	The Clouds Partnership		398e
	Aviemore & Vicinity Community Council		416e
	Scottish Campaign for National Parks		434o

Extract from the Reports Report

Conclusions

43.9 *The defined settlement boundary for Aviemore is appropriate in principle and it has been defined reasonably, logically, and defensibly in the finalised local plan, albeit that the underpinning rationale is not transparent.*

43.10 *The only exception to this is at Edenkillie, west of the A9, which we consider should be taken out of the settlement for its poor relationship to the town and its negative visual impact. Doing this would not reduce the value of the extant and partially implemented planning permission but it would emphasise the significance of the A9 settlement boundary. It follows from this that we see no scope to expand Aviemore farther in this westerly direction.*

43.11 *Fundamentally, we consider that Aviemore needs no more housing land, and releasing more under these circumstances would establish a precedent especially as the proposed south town boundary is logical and defensible, and land beyond it has a different and more rural character. Moving the boundary farther south as the objectors suggest would also send the wrong message about CNPA's intentions and about the prospect of uncontrolled urban expansion in the National Park. Therefore, we see no strong reason to support, and several distinct disadvantages in accepting, these objections.*

43.12 *We have considered all of the other matters drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

43.13 *Accordingly, we recommend that with the exception of Edenkillie to the west of the A9 trunk road, which should be subtracted, the defined settlement boundary as shown on the proposals map for Aviemore in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.*

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to the settlement boundary of Aviemore, CNPA acknowledge the conclusion that the area of Edenkillie was incorporated into the settlement boundary to reflect the extant

planning permission. The Reporters are of the view that this area relates poorly to the established form of Aviemore in that it breaches the established boundary of the A9, and that the development site is extremely prominent. As a result their recommendation is that the area should be taken out of the defined settlement boundary. CNPA agree that this will send a strong signal to clarify that no development will be permitted west of the A9 for at least the plan period, and CNPA agree that this is prevent further inappropriate development haemorrhaging across the A9.

1.2 CNPA also welcome the conclusions from the Reporters that no further land should be included sound of Aviemore, and agree that this again sends the wrong message about the future development options for the town.

2. CNPA Decision

2.1 Accept the recommendation to remove Edenkillie from within the settlement boundary.

3. Changes to plan needed to address decision

3.1 Amend the settlement boundary of the Proposals Map for Aviemore to remove Edenkillie, and draw the boundary back to exclude any land west of the A9.

Issue	Aviemore economic development allocations AV/ED1 & AV/ED2		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(c/d)
Procedure	Written submissions		
Objectors	R B Tozer	Objection refs	098a
	Roy Turnbull		390n
	Reidhaven Estate		456l

Extract from the Reports Report

Conclusions

44.9 Overall, we consider that using these comparatively small undeveloped areas for economic uses accords generally with relevant national and strategic planning policy. We are satisfied that the potential harm from development for the natural environment is restricted, and is outweighed by the benefit of using these sustainable urban locations to the socio-economic advantage of the Park and its residents. We regard the loss of informal recreation space in this case as insufficient reason to oppose the allocations, given the plentiful supply of safeguarded open space elsewhere in Aviemore as well as the rural character and accessibility of its surroundings. Further, if these sites were to be taken out of the CNPLP, alternative provision would be needed and the implications of doing that would more than likely be significant for the natural environment because it is unlikely that such urban and functionally well located alternative sites could be found. Therefore, we conclude that the allocation of these sites for economic development is not constrained to a significant degree by landscape or biodiversity matters, or by its current value as open space.

44.10 If neither site is taken up, the local plan process automatically provides for a review of their continued marketability and relevance in accordance with SPP 2. If that review shows the sites to be no longer appropriate, then and only then should alternative uses be considered. However, there is no current evidence before us to show: that stage has yet been reached; to support a view that housing is needed on either of these sites; or to show that housing is the only or the best alternative use. Therefore, we are satisfied that allocation AV/ED2 should not incorporate the possibility of residential use in the event that the economic allocation is not taken up.

44.11 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

44.12 Accordingly, based on all of the above, we recommend that the economic development allocations shown on the proposals map for Aviemore in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

1. CNPA analysis and comment

1.1 In considering the Reporters recommendations in regard to the economic development allocations for Aviemore, CNPA acknowledge that SPP2 requires local plans to maintain a supply of industrial type sites, and that sites should be sustainable in terms of accessibility. CNPA therefore welcome the Reporters recognition that the sites identified comply with these requirements.

1.2 CNPA also welcomes the recognition by the Reporters that any development on these sites would be assessed against all relevant policies in the plan including those that address specific and sustainability issues like protection and mitigation of the natural environment, pedestrian access and the implications of engineering accommodation works.

1.3 CNPA therefore welcomes the recommendation that the sites remain as the plan moves towards adoption.

2. CNPA Decision

2.1 Accept the recommendation that the sites ED1 and ED2 in Aviemore be taken forward into the adopted local plan.

3. Changes to plan needed to address decision

3.1 None

Issue	Aviemore environment allocations		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(f)
Procedure	Written submissions		
Objector	Roy Turnbull	Objection ref	390n

Extract from the Reports Report

Conclusions

45.9 Therefore in general, we see that the ENV designation could be an important element of the local plan in addressing several of the CNPP 2007 strategic objectives. However, the value, force, and relevance of the designation is undermined to a significant extent by the flawed way in which the concept has been incorporated into the finalised version of the local plan.

45.10 For Aviemore, if these shortcomings are addressed as we have recommended in various places throughout this report, then we agree with the objectors that additional sites including around Milton Wood, Edenkillie, and the sewage works will almost certainly merit ENV allocation.

45.11 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

45.12 Accordingly, we recommend that the Deposit Local Plan Modifications (1st and 2nd) October 2008 ENV allocations on the proposals map for Aviemore should all be reviewed as we have described, and that as part of that review, other areas including land around Milton Wood, Edenkillie, and east of Dalfaber, should all be evaluated for incorporation as appropriate.

Additional Suggestions/Reservations to be addressed

45.5... ENV designation fails against generally applied best practice for local plans.

45.6 ... section 7 of the finalised version of the local plan describes these ENV spaces as protected from future development (paragraph 7.12). In contrast, the plan text for some settlements, including Aviemore, only protects from adverse or harmful development (page 66). Further, the CNPLP describes the ENV spaces as important to the amenity, setting and the overall fabric of settlements and sometimes, but not always, allocates land that straddles settlement boundaries as ENV. These different approaches are not explained, nor does the plan justify the spatial differences between the local plan versions and the apparently diminished level of protection, such as we have described above for Aviemore. Other problems associated with the ENV designation include:

- no secure policy footing for the designation;

- *no clear purpose or transparent and consistent evaluation process for the allocations;*
- *no clear correlation between the sensitive areas identified in the landscape capacity studies and the ENV allocations; and*
- *unclear guidance for the plan user about what the practical implications of the allocations might be in terms of a specific development proposal.*

Taken together, the inconsistencies and the related problems lead to our conclusion that the ENV designation suffers a serious flaw and a substantial review is justified. Nevertheless, we can see that if the shortcomings were to be solved, the designation could add value to the plan, especially in implementation of the CNPP 2007 strategic objectives.

45.8 ... CNPA must first decide what the aim of these ENV spaces is to be and it must then allocate land and set a level of protection accordingly, including via an appropriate additional local plan policy. That process should embody the allocation of additional ENV land around Aviemore, which should include the land referred to by the objectors, subject to attention to all of the above detailed matters.

1. CNPA analysis and comment

1.1 In considering the recommendations made in regard to the environment allocations in Aviemore, CNPA note the comments made regarding the ENV designations. CNPA has already conceded the need for greater clarity in linking the ENV designation with Policy 36, and has accepted the need to include reference within the background text to the policy. The policy presumes against development and sets out criteria for the assessment of proposals which would result in loss. CNPA therefore considers the wording drafted for Aviemore ENV reflects this appropriately.

1.2 The Reporters consider it would be appropriate to set out clearly the criteria used to assess the ENV land and then to undertake a full reassessment of the land within and around Aviemore with these criteria in mind. As part of the Open Space Land Audit, all land within and around settlements is to be reviewed to assess its contribution to the open space provision in and around settlements. CNPA therefore consider it would not be appropriate to review open space as a separate exercise to this work on the Audit. The Audit will inform the supplementary guidance, and will also be used to inform the Local Development Plan. If the Audit reveals a need for amendments to the allocations before the production of the draft Local Development Plan, CNPA will bring forward supplementary guidance to reflect this.

2. CNPA Decision

2.1 Accept the need for a review of all ENV land but consider the most appropriate way of undertaking this is with the Open Space Audit which will be used to inform supplementary guidance and the future Local Development Plan.

3. Changes to plan needed to address decision

3.1 None

Issue	Aviemore housing allocations AV/H2 & AV/H3		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(e)
Procedure	Written submissions		
Objectors	RM Lambert	Objection refs	032
	Catherine Hilary Mordaunt		063a/b
	Martin Reed for Dalfaber Action Group (DAG)		126a/b (247 proformas attached)
	Roy Turnbull		390n
	Woodland Trust Scotland		393d
	The Clouds Partnership		398e
	Jim Cornfoot		432a/b
	Reidhaven Estate		456m

Extract from the Reports Report

Conclusions

46.17 Drawing all of the above together, we have shown that Aviemore sits at the top of the settlement hierarchy which has been established by the strategic planning policy framework set by the CNPP 2007. Therefore, some housing development is to be expected and we conclude that it accords with that role.

46.18 The combined consented total development potential of all of the allocated housing sites in Aviemore is more than Table 4 requires for the local plan period, so that the allocations amount to an over supply of housing land. However, although the finalised version of the local plan offers guidance on housing numbers, issues like the final capacity of the sites and the amount of affordable housing that they might yield will be addressed at detailed planning application stage, in compliance with the conditions imposed on the outline planning permission and the requirements of the remaining relevant finalised local plan policies. In this way, compliance with the strategic planning framework, including the CNPP 2007, will be enhanced and issues like the incidence of second home ownership should be minimised.

46.19 No firm evidence has been submitted to show that the acknowledged constraints of flooding and level crossing traffic capacity limit the potential number of new homes that the sites could deliver to a significant extent or to show that the allocated housing sites are not effective as defined.

46.20 Given the evidence before us, the background of development allocations, the outline planning permission, and the safeguards inherent in that permission plus the other finalised local plan policies, we cannot justify deleting the AV/H2 and AV/H3 allocations in favour of keeping the sites as open space. However, we are equally unable to justify altering the balance between developable land and protected open space in the absence of compelling evidence and on the basis of an application plan that has yet to be approved.

46.21 For all of the above reasons, we find that there is no need to substitute other land for housing sites AV/H2 and AV/H3, but even if there were such a need, Kinakyle is not an appropriate alternative.

46.22 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

46.23 Accordingly, we recommend that housing allocations AV/H2 and AV/H3 as shown on the proposals map for Aviemore in the Deposit Local Plan Modifications (1st and 2nd) October 2008, should be taken forward into the adopted local plan.

1. CNPA analysis and comment

1.1 In considering the conclusions and recommendations made by the Reporters in regard to H2 and H3 in Aviemore, CNPA welcome the Reporters acknowledgement that Aviemore sits at the top of the settlement hierarchy and that some housing development is therefore to be expected.

1.2 The Reporters accept that the sites have not only been allocated in the previous local plan but also have outline planning permission for residential development for up to 104 homes. They go on to recognise that these permissions can be implemented irrespective of any local plan designation and it must therefore be assumed that they will be implemented. Therefore removing them from the local plan would not safeguard the sites from development.

1.3 Bearing all this in mind the Reporters recommend that the allocations are carried forward into the adopted local plan. CNPA welcome this recommendation and agree that the sites once developed will provide housing which supports Aviemore as a strategic settlement.

2. CNPA Decision

2.1 Accept the recommendation to carry the allocations into the adopted Local Plan.

3. Changes to plan needed to address decision

3.1 None

Issue	Aviemore West incorporating Aviemore Highland Resort		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(f)
Procedure	Written submissions		
Objectors	Roy Turnbull	Objection refs	390n
	Woodland Trust Scotland		393e
	The Clouds Partnership		398e
	Aviemore & Vicinity Community Council		416e
	Aviemore Highland Resort Ltd		441 & 435a/b

Extract from the Reports Report

Conclusions

47.14 Based on all of the above, we find that the development allocations for the west side are appropriate for Aviemore's role in the settlement hierarchy and they accord with the strategic objectives of the CNPP 2007.

47.15 The whole of the west side of Aviemore contains mature trees that enhance local amenity. These trees already have a high level of statutory protection at least by virtue of a Tree Preservation Order, and we find no need to add to that protection via the CNPLP although it would be helpful if the associated plan text made the Tree Preservation Order position clear.

47.16 The finalised local plan proposals map makes AV/H1 look as if it encroaches into open space that was protected from development in the deposit version of the local plan. However, the approved site layout plan for 05/306/CP shows that the area in question is reserved open space, so that development should not in fact encroach. As a result, the finalised version of the local plan is capable of misinterpretation on this and the shortcoming should be rectified but, for the reasons set out above, we cannot agree that the finalised local plan should be altered to match the application plans for the Highland Resort area.

47.17 Matters related to the designation, location, and use of paths throughout the area are all currently being investigated via a separate statutory process. However, the general aim of better access by non car transport and integration between the Highland Resort and the rest of Aviemore is a longstanding and valid planning aspiration, which accords with national and strategic planning policy. On that basis, we are satisfied that it should remain in the finalised CNPLP.

47.18 CNPA is in the process of updating the existing masterplan for Aviemore, to turn it into a design framework that will act as supplementary guidance to the local plan. This process must entail wide public consultation, including with affected landowners and the local community council. However, it would be wrong to burden the finalised local plan with explicit detail covering this procedure.

47.19 No quantifiable evidence is before us to show that the flood risk affecting housing site AV/H1 is so great that the site is not capable of development in the relevant plan period, or that it would yield far less housing than the finalised local plan anticipates. As a result, we find that the site is effective as defined in SPP 3.

47.20 The housing land allocated at AV/H1 reflects the adopted local plan as well as the various extant planning permissions. Therefore, for this reason and given all of the above, we have no reason to look for an alternative housing site, but even if there were such a need, Kinakyle is not an appropriate substitute, especially in comparison to AV/H1 which is inside the well defined and established urban boundary.

47.21 Drawing these matters together, the objections raise no significant concerns that would prevent the allocation of land on the west side of Aviemore for development as proposed by the CNPLP. We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

47.22 Accordingly, subject to our comments set out above and while we suggest that:

- the issue of the delineation of the protected open space at AV/H1 should be addressed; and
- reference to the Tree Preservation Order should be added to the supporting plan text,

we recommend that the allocations shown on the proposals map along the west side of Aviemore, including AV/H1 and AV/ED3, should be taken forward into the adopted local plan broadly as described in the Deposit Local Plan Modifications (1st and 2nd) October 2008.

Additional Suggestions/Reservations to be addressed

47.7 ... much of the western edge of Aviemore is covered by a Tree Preservation Order, so that many of the attractive and mature trees that enhance local amenity benefit from explicit and statutory protection. Beyond that, CNPA has a statutory duty under Section 159 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, to ensure that in granting any permission for development, adequate provision is made for the preservation and planting of trees. Therefore, while we are satisfied that it would be helpful if CNPA makes this position clear at least in the plan text, we find no need to add another explicit layer of tree protection via the local plan.

47.8 ... we find that the size and shape of the AV/H1 allocation shown on the proposals map in the finalised version of the local plan is misleading because the colouring on the map implies that AV/H1 has expanded at the expense of protected open space. While we have explained elsewhere our concerns about the way in which the ENV allocations are handled throughout the finalised local plan, we accept

and support CNPA's intention to keep this area free of built development and we understand that the approved housing development layout plan from permission 05/306/CP keeps a broad swathe of open space along the boundary of the A9 corridor. As a result, the spirit and integrity of the deposit version of the plan seems to have been preserved in that permission. However, our major concern is the possibility that the consent might lapse unimplemented, leaving a local plan allocation that suggests housing development is encouraged across the whole of AV/H1. This shortcoming must be addressed and it could be resolved either by inserting a text reference to cover the retention of that area of open space, or by simply reinstating the allocations from the deposit version of the local plan.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to land to the west of Aviemore incorporating Aviemore Highland Resort, CNPA accept that much of the western edge of Aviemore is covered by a Tree Preservation Order. In the interests of clarity to possible developers, the Reporters are of the view that the text associated with Aviemore should make this clear. CNPA accept this would assist and will include text to clarify this.

1.2 Moving on to the demarcations of the allocations on the proposals map, the Reporters suggest that the allocations marked at H1 are misleading and, in the event that the extant permission does not proceed, would suggest housing is to be encouraged over the whole area. To rectify they suggest amendments to the text or reinstating the allocations from the deposit version of the plan. CNPA accept the criticism and agree that should the permission lapse, housing across the whole of the site would not be desirable. To address this CNPA agree with the suggestion that the proposals map should be modified to revert back to that in the deposit plan.

1.3 The Reporters go on to review the text associated with the core paths and are satisfied that it is appropriate for the local plan to retain the general objective for the resort area to be better integrated with the rest of Aviemore. CNPA welcome this recognition, and agree that this would be of mutual benefit to both.

1.4 They also agree with CNPA evidence that H1 is an effective site, and linked to this, that there is no need for any additional or substitute land to be allocated. CNPA welcome this agreement on the issue of effectiveness and need for alternative land.

2. CNPA Decision

2.1 Accept that the presence of the Tree Preservation Order should be clarified in the text.

2.2 Accept the need to revise the demarcation of the allocations at H1 returning them to that in the Deposit Plan.

2.3 Accept the recommendation to carry forward at H1 and ED3 into the adopted plan.

3. Changes to plan needed to address decision

- 3.1 Include text to clarify the presence and extent of the Tree Preservation Order.
- 3.2 Revise the demarcation of the proposals allocations back to that in the Deposit Plan.

Aviemore

Aviemore is a strategic settlement within the settlement hierarchy. It is the largest settlement in the National Park, and is almost a small town. It is identified as a main settlement in the National Park Plan, and is recognised as playing a strategic role in the wider region. It is a significant economic driver and a growth centre for the wider region and the city of Inverness.

Much of the western edge of Aviemore is covered by the Tree Preservation Order. Many of the attractive and mature trees enhance local amenity are therefore the subject of explicit and statutory protection. Any development in this area must therefore that adequate provision is made for their preservation and for the planting of new trees.

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Proposals

AV/H1: Situated to the north of Aviemore Highland Resort, this site has detailed planning permission for 161 dwellings. A flood risk assessment has shown the site to be marginally affected by flooding. Any future development proposals will be required to avoid the area identified at flood risk.

AV/H2 and H3: as a combined site these have an outstanding outline planning permission for up to 104 dwellings.

AV/H2: ~~An outline planning application is with the National Park Authority for the development of this 1.7ha site.~~ The consideration of reserved matters on this site or any further application for development of this site, will need to work within the existing woodland clearings to minimise the loss of trees and retain the natural screening and setting of the site. Part of this site lies within SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment will therefore be required to accompany any development proposals for this site.

AV/H3: ~~An outline planning application is with the National Park Authority for the development of this 5.5ha.~~ The consideration of reserved matters on this site or any further application for development of this site, will have to take into consideration the SEPA indicative 1:200 year flood risk maps and a detailed flood risk assessment will be required.

AV/ED1- The existing Dalfaber Industrial Estate and Cairngorm Technology Park provide opportunities for economic development proposals to support the economy of Aviemore and the surrounding area. An area of 0.5Ha to the north of Dalfaber Industrial Estate is included to allow for future expansion when the current site reaches capacity. Currently used for informal recreation, pedestrian links through the site should be protected.

ED2 – ED4 : text unchanged

AV/CI- C2 : text unchanged

AV/Env: text unchanged

Other relevant planning documents – The Aviemore Masterplan September 1997. This document is currently being reviewed in the form of the Aviemore Design Framework and will be adopted in support of the Local Plan. It will then be considered as a material consideration in the determination of planning applications within Aviemore.

Issue	Ballater housing allocation BL/H1		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Stuart Wright	Objection refs	030
	James & Evelyn Sunley		056d/j/l/q/s/t/u
	Ballater (RD) Ltd		076a
	B Wright		076
	Ballater & Crathie Community Council		091a
	Mr & Mrs J Houston		096a
	Harry Wight		401
	Phillip John Swan		462c/d/f
	J A Lovie		488
	G Adams		531
	Victor Jordan		537
	Captain J Schuneman		538
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037q
	Colin Robertson		050
	George Inglis		053
	Serena Humphrey		066a
	Michael F Franklin		078
	Gordon Cowie		085
	Aileen M Barbour		356
	Scottish Environment Protection Agency (SEPA)		399r(b)
	Scott Fraser		404
	M Pietranek		405
	Scottish Campaign for National Parks		434r
	Dinnet & Kinord Estate		438c
	David T Lapsley		451
	Carole Dickson		481
	Gordon Chaplin		535c

Extract from the Reports Report

Conclusions

48.51 When we review the reasoning which led to our numerous findings set out above, we draw the following conclusions. First, the allocation of site BL/H1 does not offend and, in the main promotes strategic objectives of CNPP 2007 particularly as these relate to: sustainable communities, and housing, and landscape, built and historic environment, and sustainable tourism. Second, within that context, there are no settlement specific factors which rule out the objection site for consideration as a housing allocation. Assessed against the criteria set out at paragraph 17 of Annex 3 of SPP 3, the site can be considered to make a contribution to the effective housing land supply within the life of the local plan. Third, in the circumstances which pertain

in Ballater, the masterplan approach is an appropriate forward for the development of the site. However, with that and related matters in mind, the text associated with the proposals map should be the subject of substantial adjustments that reflect fully the CNPA position on relevant matters. We have set out above our suggestions for CNPA to consider on how this altered text might read.

48.52 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

48.53 Accordingly, subject to addressing all of the above reservations, we recommend that the allocation BL/HI as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan. We further recommend that the supporting text should be adjusted to take into account the position of CNPA at the close of the inquiry.

Additional Suggestions/Reservations to be addressed

48.17 ... The deficiencies which we have identified in the overall calculations, and the allocations to particular settlements including Ballater, are serious deficiencies in the preparation of the CNPLP; and they should be rectified before the plan is progressed to adoption.

48.19 ... The absence from the emerging local plan of an estimation of the extent of local need for affordable housing is a flaw which should be remedied before the local plan is progressed to adoption.

48.44 ... a vision which reflects the problems and potentials of Ballater and complies with the overall vision for the Park should preface the proposals map; and the vision for the masterplan for BL/H1 and its immediate vicinity should flow seamlessly from that.

48.47 ... the contribution of the representatives of the Foundation cannot be a substitute for the statutory planning process. Accordingly, in order to avoid any misunderstanding, we recommend that all reference to that workshop be deleted from the CNPLP text.

48.50 In the interest of brevity and clarity we present below our suggestions on how the supporting plan text might be adjusted to incorporate what we understand to be the CNPA position at the end of the hearing.

Site BL/HI, of 16.12 hectares, is located to the northeast of Monaltrie Park and provides an opportunity for housing and mixed use. The site has a capacity for around 250 units with 90 dwellings envisaged for construction during the life of the local plan. It is expected that a further 100 houses will be built in the period between 2011-2016 leaving capacity for 60 for the longer term.

A flood risk assessment has shown the site to be affected by flooding. Any future development proposals will be required to avoid the area identified at flooding risk, i.e. no development is to take

place below the 193.8 metre contour and minimum finished floor levels are to be 194.3 metres or above OD.

The National Park Authority will work with the community, developers and all other interested stakeholders to ensure that a masterplan that reflects all of the following as well as the community's needs and the special character of Ballater is prepared for the site.

- i. The area allocated is intended to provide for a range of needs for the community, including housing, business and recreation. There will be scope for the provision of services for residents, day visitors and tourists. An innovative approach to design and layout including access and movement within the site will be encouraged; and a variety of densities and designs and pockets of mixed uses will be supported.
- ii. The masterplan approach to detailed implementation will facilitate the achievement of a high quality layout and consistent design. It will respect the historic quality of the existing built environment including the conservation area. Listed buildings, including the B listed Monaltrie House, and their settings will also be protected.
- iii. Monaltrie Park will form a core part of the new development. The area identified as open space will allow for provision of sports pitches and parking for events including the Ballater Games.
- iv. There will be a network of pedestrian and cycle paths throughout the development. Particular attention will be paid to linking the park with the historic core of the village; and there will be links to the primary school and to the Deeside Way.
- v. The masterplan will incorporate a full range of sustainability measures. The provision for biodiversity throughout the development will include special attention to relevant habitats and wildlife networks.
- vi. The masterplan will incorporate a comprehensive landscaping strategy which will include structure planting on the edges of the site and within the development to integrate it with the existing landscape and ensure that there is no hard edge when viewed from the east.
- vii. The development of the site will present an excellent opportunity for large and small scale developers and builders to work together to bring forward the delivery of the masterplan.

1. CNPA analysis and comment

1.1 In considering the recommendations made in regard to H1 in Ballater, CNPA have already provided modified information regarding housing land supply, which has taken account of the requirements of SPP3. This criticism made by the Reporters is therefore dealt with in the analysis on General Housing Land Supply.

1.2 In looking specifically at affordable housing the Reporters consider it a flaw of the emerging plan that there is not an estimation of the extent of local need for affordable housing by settlement. CNPA have been working closely with the local housing authorities to establish the need for housing, both for open market and for affordable housing within the Park area and has been using the guidance provided in SPP3 to guide this work. SPP3 does not however indicate that need should be identified by individual settlement, but rather should be identified in the assessments, and then provision made for that ideally within the housing market area where it has arisen. Ballater does not form a housing market area, and as such the figures do not give a settlement based need. However, CNPA used the commissioned work to influence the approach taken. This has been analysed under the Affordable Housing section of the Report (Policy 21).

1.3 CNPA however accepts the merits in endeavouring to establish the local need, which could then be met within that locality, and is taking this way of information gathering forward in the work to establish evidence for the Local Development Plan.

1.4 The Reporters again suggest the merits of a vision for Ballater. CNPA has already acknowledged that while a more detailed vision for the development of each settlement might also assist, CNPA do not feel it appropriate to develop such a settlement specific vision at this late stage in moving the Local Plan towards adoption. The development of a vision will therefore form an integral part of the stakeholder engagement on the Local Development Plan where communities can have full and detailed input into the vision for their own settlement.

1.5 The Reporters considered in detail the work carried out by the Princes Foundation, and how this has, and should in the future be taken into account in the Local Plan. Linked to this they go on to expand on the contents of any future masterplan. CNPA have accepted the need for a masterplan to guide the development of the site, and had, in the text, highlighted the useful work of the Princes Foundation. CNPA accepts that referring to this work in the Local Plan may confuse, and as CNPA has stated throughout, it is keen to remove any confusion for the reader. CNPA accept therefore that reference to the Foundation should therefore be removed.

1.6 In looking in detail at the wording of the supporting text for the proposal the Reporters set out how the text might be adjusted to clarify the position CNPA at the end of the Inquiry. CNPA agree that the suggested wording does set out the position and clearly sets out for the reader, the way in which the Local Plan expects to see the site developed.

1.7 CNPA agrees with the Reporters that the allocation in the main promotes the objectives of the CNPP 2007, particularly as these relate to sustainable communities, and housing, and landscape, built and historic environment, and sustainable tourism. CNPA agree that the allocation will assist in meeting these objectives, and with the suggested wording will ensure that any development that does occur takes full account of these objectives. The site is effective and would contribute to the housing land supply.

1.8 In conclusion therefore CNPA accept the revised wording as setting out more clearly the position regarding the future development of the site, and agree that this should replace the existing wording.

2. CNPA Decision

2.1 Accept the recommendation to take forward the allocation of H1 in Ballater into the adopted Plan.

2.2 Accept the need to revise the text associated with the allocation to clarify to the reader what the local plan expects from the development of the site.

3. Changes to plan needed to address decision

3.1 Replace the wording associated with the site H1 with the suggested wording provided by the Reporters

Issue	Ballater other land uses		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	James and Evelyn Sunley	Objection refs	056
	Ballater & Crathie Community Council		091

Extract from the Reports Report

Conclusions

49.11 When we review our findings we conclude that the sites identified for economic development are sufficient and effective; and there is no need to extend the settlement boundary to encompass the Craigendarroch complex; but it is not clear to us how the sites identified as ENV are to be protected from adverse development.

49.12 We have considered all of the other matters drawn to our attention but find none of such weigh that it alters our reasoning or conclusions.

Recommendation

49.13 Accordingly, subject to dealing with the reservations noted above, we recommend that the proposals map and associated text as set out in the proposed post inquiry modifications to Deposit Local Plan Modifications (1st and 2nd) October 2008 be taken forward into the adopted local plan.

1. CNPA analysis and comment

1.1 In considering the recommendations of the Reporters made in regard to other land uses in Ballater, CNPA welcome the agreement from that ED2 as shown in the Deposit Plan should be removed. The site falls within the SEPA 1 in 200 year flood risk maps, and CNPA in promoting the removal of this site have taken on board the comments made by SEPA.

1.2 Looking at the ED1 and ED4 (caravan site) CNPA suggests the addition of text to clarify the position regarding flooding, and this has been done in discussions with SEPA. The Reporters agree that this wording is appropriate, and CNPA welcome this. The sites will also be renumbered to reflect the deletion of ED2, as above.

1.3 The issue regarding ENV is made again. CNPA have dealt with this issue under Policy 36 and in its analysis of the comments made in regard to the Introduction to Part 3 of the Reporters Report.

2. CNPA Decision

2.1 Accept the recommendation to take forward the proposals maps and associated text as set out in the proposed officer modifications presented to the Inquiry.

3. Changes to plan needed to address decision

- 3.1 Replace the text associated with ED allocations to reflect that included in the officer proposed modifications presented to the Inquiry.
- 3.2 Delete ED2 and renumber subsequent reference numbers

Ballater

BL/HI

i. This 16.12Ha site to the north-east of Monaltrie Park provides an opportunity for housing and mixed use land for the longer term in Ballater and to ensure a planned approach to development.

ii. The site has capacity for around 250 units, with 90 dwellings envisaged during the life of the Plan. The site has been the subject of an 'Enquiry by Design' (EbD) workshop run by the Prince's Foundation for the Built Environment and involved the local community and other stakeholders. The EbD process indicated a proposed layout for the development of the site incorporating a variety of densities and designs, and pockets of mixed uses to support the growth of sustainable communities, and this approach is supported.

iii. In the development of the site, proposals must ensure that adequate provision is made for the existing park which is envisaged as forming a core part of the development, linking the existing settlement with the new development. The park plays an important role in the community and this must be protected and enhanced. The development of site must also provide adequate links to the school, and provides an opportunity to improve links to the Deeside Way. The design and layout of development must also respect the planned nature of Ballater, and the historic quality of its built environment. Key listed buildings and their settings affected by the development of the site must also be protected. An innovative approach to design and layout, including access and movement within the site, is encouraged.

iv. The National Park Authority will work with the community, developers, and the Prince's Foundation, to ensure that a masterplan that reflects the community's needs and the special character of Ballater is prepared for the site. The development of this site presents an excellent opportunity to provide opportunities for large and small scale developers and builders to work together to bring forward the delivery of the proposal. This will be recognised in the masterplan.

v. Part of this site lies within SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment will therefore be required to accompany any development proposals for this site.

Ballater is a strategic settlement within the settlement hierarchy. It is the largest village in the eastern side of the National Park. It is identified as a main settlement in the National Park Plan, and is recognised as playing a strategic role in the wider region. The residents of Ballater are relatively well served in terms of the range of shops, medical centre and a primary school.

Proposals

BL/HI

Site BL/HI, of 16.12 hectares, is located to the northeast of Monaltrie Park and provides an opportunity for housing and mixed use. The site has a capacity for around 250 units with 90 dwellings envisaged for construction during the life of the local plan. It is expected that a further 100 houses will be built in the period between 2011-2016 leaving capacity for 60 for the longer term.

A flood risk assessment has shown the site to be affected by flooding. Any future development proposals will be required to avoid the area identified at flooding risk, i.e. no development is to take place below the 193.8 metre contour and minimum finished floor levels are to be 194.3 metres or above OD.

The National Park Authority will work with the community, developers and all other interested stakeholders to ensure that a masterplan that reflects all of the following as well as the community's needs and the special character of Ballater is prepared for the site.

i) The area allocated is intended to provide for a range of needs for the community, including housing, business and recreation. There will be scope for the provision of services for residents, day visitors and tourists. An innovative approach to design and layout including access and movement within the site will be encouraged; and a variety of densities and designs and pockets of mixed uses will be supported.

ii) The masterplan approach to detailed implementation will facilitate the achievement of a high quality layout and consistent design. It will respect the historic quality of the existing built environment including the conservation area. Listed buildings, including the B listed Monaltrie House, and their settings will also be protected.

iii) Monaltrie Park will form a core part of the new development. The area identified as open space will

allow for provision of sports pitches and parking for events including the Ballater Games.

iv) There will be a network of pedestrian and cycle paths throughout the development. Particular attention will be paid to linking the park with the historic core of the village; and there will be links to the primary school and to the Deeside Way.

v) The masterplan will incorporate a full range of sustainability measures. The provision for biodiversity throughout the development will include special attention to relevant habitats and wildlife networks.

vi) The masterplan will incorporate a comprehensive landscaping strategy which will include structure planting on the edges of the site and within the development to integrate it with the existing landscape and ensure that there is no hard edge when viewed from the east.

vii) The development of the site will present an excellent opportunity for large and small scale developers and builders to work together to bring forward the delivery of the masterplan.

~~BL/ED1: The existing business units owned by Aberdeenshire Council will remain, with vacant space reserved for business uses.~~

~~BL/ED2: This site is allocated for additional economic development opportunities.~~

~~BL/ED3: The bus station between Golf Road and Viewfield Road will remain as a site for business use or another use appropriate to a town centre, should it be vacated by its current occupiers.~~

~~BL/ED4: The existing caravan and camping site provides continued support to the provision of tourism accommodation within Ballater and will be protected from adverse development. Where appropriate, enhancement opportunities will be supported.~~

BL/ED1: The existing business units owned by Aberdeenshire Council will remain, with vacant space reserved for business uses. Part of this site lies within SEPA's indicative I in 200 year flood risk area. A detailed flood risk assessment may be required to accompany any further development proposal for this site.

BL/ED2: The bus station between Golf Road and Viewfield Road will remain as a site for business use or another use appropriate to a town centre, should it be vacated by its current occupiers.

BL/ED3: The existing caravan and camping site provides continued support to the provision of tourism accommodation within Ballater and will be protected from adverse development. Where appropriate, enhancement opportunities will be supported. The site lies wholly within SEPA's indicative I in 200 year flood risk area. A detailed flood risk assessment may be required to accompany any further development proposal for this site.

BL/C1: text unchanged

BL/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Grantown-on-Spey economic development allocation GS/ED2		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objector	Speyburn Homes Ltd	Objection ref	485

Extract from the Reports Report

Conclusions

50.4 Based on the above, we are satisfied that West Station Cottage should be taken out of the GS/ED2 designation as proposed by the 2nd Modifications to the CNPLP. However, the economic development allocation should not be replaced by an additional specific housing land allocation.

50.5 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

50.6 Accordingly, we recommend that the proposals map for Grantown-on-Spey should be amended as described in the Deposit Local Plan Modifications (1st and 2nd) October 2008 as it moves forward into the adopted local plan.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to ED2 in Grantown on Spey, CNPA welcome the agreement that West Station Cottage should be removed from the ED allocation. CNPA agree that the land should remain as 'white land' rather than a housing allocation as the site sits within industrial type uses, and also since there is no need to include additional land for housing provision.

2. CNPA Decision

2.1 Accept the recommendation to remove West Station Cottage from the ED allocation and revise the proposals map to show this.

3. Changes to plan needed to address decision

3.1 Amend the proposals map to remove West Station Cottage from the ED allocation.

Issue	Grantown-on-Spey environment allocations		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objector	Reidhaven Estate	Objection ref	456w

Extract from the Reports Report

Conclusions

51.8 *Based on all of the above, we consider that the principle of protecting spaces around towns via an ENV designation satisfies broadly a genuine and relevant strategic planning policy objective, including in the CNPP 2007, so that some form of designation has merit. However, the value, force, and relevance of the designation is undermined to a significant extent by the flawed way in which the concept has been incorporated into the finalised version of the local plan. These serious flaws must be addressed as the planning process moves forward and if the ENV designation is to be retained.*

51.9 *For Grantown-on-Spey, once these shortcomings are addressed as we have recommended throughout this report, then we are satisfied that the allocated GS/ENV spaces around the settlement edge should remain protected from development at least to some degree. This conclusion is based on the landscape capacity study information and our site inspections, which confirm that the spaces have amenity value and that they contribute to the setting and landscape character of the town.*

51.10 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

51.11 *Accordingly, we recommend that the Deposit Local Plan Modifications (1st and 2nd) October 2008 ENV allocations on the proposals map for Grantown-on-Spey should all be reviewed as we have described, but in the meantime, we further recommend that the GS/ENV sites around the defined settlement boundary should be kept in the Deposit Local Plan Modifications (1st and 2nd) as it moves forward into the adopted local plan.*

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to the ENV land in Grantown on Spey, the issue regarding ENV is made again. CNPA have dealt with this issue under Policy 36 and in its analysis of the comments made in regard to the Introduction to Part 3 of the Reporters Report.

1.2 With specific reference to the land allocated on the urban fringe of Grantown on Spey, CNPA welcome the conclusion that the land does justify an enhanced level of protection and should therefore be retained. CNPA agree that the land provides an important resource, providing a counterpoint and backdrop to the urban character and setting of the town, and providing a sense of arrival from the A95.

2. CNPA Decision

2.1 Accept the recommendation to carry forward the ENV allocations in Grantown on Spey into the adopted plan.

2.2 Accept the need for a review of all ENV land but consider the most appropriate way of undertaking this is with the Open Space Audit which will be used to inform supplementary guidance and the future Local Development Plan.

3. Changes to plan needed to address decision

None

Issue	Grantown-on-Spey housing allocations GS/H1 & GS/H2		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objectors	James Mitchell	Objection refs	051
	Badenoch & Strathspey Conservation Group		400i(h)/i(i)
Procedure	Written submissions		
Objectors	Mr & Mrs L Evans	Objection refs	014
	Janet Eileen Jemmett		028
	Muir Homes Ltd		038n
	Bryan Grozier		046
	Alistair McLeod		062
	Frank Jemmett		090
	Miss Margaret Ann Campbell		101
	Basil Dunlop		358a
	Roy Turnbull		390p
	Scottish Environment Protection Agency (SEPA)		399r(g)
	Mrs Beryl McRae		402
	Scottish Campaign for National Parks		434q
	Gregor MacKenzie		444
	Goldcrest (Highland) Ltd		445c
	Reidhaven Estate		456o/p/q

Extract from the Reports Report

Conclusions

52.31 Based on all of the above, we note that placing Grantown-on-Spey as a strategic settlement at the top of the hierarchy stems directly from the strategic planning policy framework, including the CNPP 2007. Accordingly, we are satisfied that it is appropriate and should be maintained. As a consequence, CNPA is obliged to plan for growth in Grantown-on-Spey, but the amount of housing growth incorporated in the finalised local plan has not been adequately justified or explained, for example by way of a settlement vision statement. The housing land allocations that have been proposed are said to stem from the extant adopted local plan, but in comparing these plans, we see a number of significant differences that have not been explained.

52.32 Proposed housing site GS/H1 from the finalised local plan is constrained by its biodiversity value and by probable flood risk to such a significant extent that we consider it cannot all be regarded as effective when matched against the criteria from SPP 3. However, we recognise that GS/H1 could have some future development potential if the flood issue in particular is resolved. If the site is ever to be reinstated, we find that the developable area must be less than the CNPLP proposals map suggests and requirements like the amount of affordable housing required and a substantial buffer to protect the amenity of the caravan site must be made clear in the associated plan text from the outset.

52.33 We support the intention to allocate housing site GS/H2, but we recommend that consideration should be given to enlarging it slightly towards Seafield Avenue. In part this would offset some of the loss from GS/H1, but it would also accord more closely with the extant adopted local plan. Again though, the associated local plan text must make CNPA's expectations and preferences clear, including about affordable housing and vehicular access.

52.34 On the evidence available to us, we consider that the additional sites proposed by the objectors should not be allocated for development because the basic need for any more land in the immediate future has not been proven. But even if it had, each proposed site suffers major shortcomings in terms of the impact of development on biodiversity and on the landscape character and setting of Grantown-on-Spey. These impacts are so significant that we consider that none of the suggested sites would be appropriate for development.

52.35 We have considered all of the other matters drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

52.36 Accordingly, we recommend that housing site GS/H1 should be deleted from the proposals map and that none of the suggested additional housing sites should be added. We further recommend that subject to addressing the above suggestions and reservations that include matters such as the:

- extent of the site;
- amount of affordable housing that CNPA expects from it; and
- preferred vehicular access route,

housing allocation GS/H2 on the proposals map for Grantown-on-Spey in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

52.5 ...We have also identified the lack of a clear vision statement for each settlement as another major shortcoming. For Grantown-on-Spey, we would expect that vision statement would show how CNPA proposes to comply with the above strategic objective (b) by making proactive provision for growth.

1. CNPA analysis and comment

1.1 The Reporters consider the housing allocations H1 and H2 in Grantown on Spey in the same section. In considering their recommendations, CNPA welcome the conclusion that the settlement is properly identified as a strategic settlement in the settlement hierarchy. It is a focus for growth and provides a wide variety of services to the surrounding community.

1.2 The Reporters again criticise the lack of a vision for each settlement. CNPA has given its analysis and decision to this in its assessment of the general housing land supply.

1.3 The Reporters go on to compare the Local Plan allocations as proposed with those in the approved local plan which CNPA used as a starting point for the identification of sites for development. Looking in the first instance at H1, the Reporters review various concerns associated with this site:

- the variation from the adopted local plan boundary
- the identification of land within the site as ENV
- the biodiversity interests found on the site
- the impact development of the site would have on the surrounding area
- the capacity of the site for actual development
- the issues of flood risk

All of these concerns leave the Reporters with the conclusion that the site is not effective, as established in SPP3. As such their ultimate conclusion is that the site should not be included within this local plan.

1.4 Considerable additional information has come to light as a direct result of the assessment of a submitted detailed planning application. This has highlighted issues relating to flooding and biodiversity which leave the CNPA in agreement with the Reporters that the site does not meet the tests of effectiveness as set out in SPP3.

1.5 The Reporters do further conclude that H1 may at some time in the future have some potential for development if the issues, above, are resolved. CNPA agree that if the site should become effective under the tests of SPP3 in the future it can be considered for inclusion. This will be reviewed in the search for appropriate sites to meet the need in the Local Development Plan.

1.6 Looking specifically at H2 in Grantown on Spey the Reporters agree that there should be some provision for housing development in this strategic settlement. CNPA agree that the development of the site will result in loss of some amenity land, but the removal of H1 will help offset this loss. They compare the allocation to that identified in the existing adopted Local Plan. The site has been reduced although the density is higher. Taking into account the possible limitations on the development of the whole site to take account of biodiversity interests, which are not as yet quantified, the Reporters conclude the most appropriate course of action is to include the larger site, identified in the current plan.

1.7 CNPA agree with the Reporters that this course of action would clarify the position regarding the land at Revoan which is within the settlement boundary and could be developed regardless of the allocation boundary. It would also take account of the removal of H1, above. CNPA would not accept the need to increase the size of H2 in the event that H1 remained. However having accepted the need to remove H1 in light of the agreement with the Reporters that the site is unlikely to be effective, CNPA can then agree that the expansion of H2 would not lead to a cumulative loss of amenity land which would be unacceptable. This would also improve the options for access to the site, one of the effectiveness tests set out by SPP3.

1.8 In terms of the amount of affordable housing CNPA would expect to see on the site, the Reporters consider it necessary to clarify this, and CNPA response is that the site should be developed in accordance with Policy 21 of the Plan.

1.9 In looking at the need to allocate additional capacity to meet need, the Reporters consider this extension might go some way to offset the shortfall left from the removal of H1. CNPA do not accept the need to increase the capacity of the site. It has set out its figures for the need for housing land supply in the section on General Housing Land, and there is no need to increase the amount of units allocated. However the extension will allow the various constraints accepted on the site, which includes the need for planting, and the need to take full account of any biodiversity interests found once detailed surveys are undertaken.

1.10 The Reporters go on to review additional land suggested by objectors for housing land. CNPA welcome the conclusion that none of these should be included. CNPA are of the view that additional land would not be in response to the needs of the areas as set out in its revised tables for housing land supply.

2. CNPA Decision

2.1 Accept the recommendation to remove H1

2.2 Accept the amendment to the boundary of H2 and reflect the additional information required in the associated development brief.

2.3 Accept that no alternatives sites suggested by objectors should be included

3. Changes to plan needed to address decision

3.1 Remove H1 and its associated text from the local plan

3.2 Amend the boundary of H2 to reflect the additional land adjacent to Revoan

Grantown-on-Spey

Grantown on Spey is a strategic settlement within the settlement hierarchy and it is identified as a main settlement in the National Park Plan.

Proposals

~~GS/H1: A detailed planning application is with the National Park Authority for the development of this 9.6ha site. The application will now be considered in line with the current adopted local plan (Badenoch and Strathspey Local Plan 1997), but will assist in providing housing for this local plan and its housing needs.~~

~~GS/H2 H1: A 3.25Ha~~ This site to the north of Beachen Court with capacity for around 50 dwellings. The site is known to be used by wading birds and would require more detailed survey to establish the ecological importance of the site and the impact of any development.

GS/ED1: The existing caravan and camping site provides continued support to the provision of tourism accommodation within Grantown on Spey and will be protected from adverse development. Where appropriate, enhancement opportunities will be supported. A flood risk assessment for the adjacent H1 site has shown this site to be partially affected by flooding. A detailed flood risk assessment may be required to accompany any further development proposals for this site.

GS/ED2: Text unchanged

GS/Env: Text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Kingussie economic development allocation KG/ED1		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objector	Davall Developments	Objection ref	461d

Extract from the Reports Report

Conclusions

53.9 *Drawing together our reservations noted above, we are driven to the conclusion that this prominent site has serious disadvantages as an allocation for economic development broadly defined. On the basis of the evidence before us, problems of access render the site ineffective as an allocation for business growth and investment. However, even if these problems can be overcome no overwhelming need for the allocation of this site for the uses proposed by the objector has been established; and the development of this land would breach irrevocably a long established, robust and defensible stretch of the settlement boundary.*

53.10 *We have considered all of the other matters drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

53.11 *Accordingly, we recommend that land allocation KG/ED1 as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be deleted from the adopted local plan.*

Additional Suggestions/Reservations to be addressed

53.7 *...We consider that the line of General Wade's Military Road as it runs from the A86 north east to Kerrow Cottage provides a clearly identifiable boundary for the settlement which is sufficiently robust to endure well into the medium term and readily defensible against unwelcome attempts to breach its integrity.*

53.8 *... All of the concerns of Transport Scotland regarding access from the A86 must be overcome before the site can be considered effective.*

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters to the economic development land in Kingussie, CNPA welcome their acceptance that Kingussie is a main settlement in the hierarchy, and that the economic land identified is intended to support business growth and investment.

1.2 The Reporters accept that the concerns raised to this site would be met if the site were to remain in the plan as an allocation. However the Reporters then review the allocation in terms of the strategic objectives of the CNPP 2007. Although the wording associated with the proposal requires the highest standards of both siting and design, and despite the need for any development to satisfy all the policies in

the Plan, the Reporters still have reservations about how any development on such a prominent site could ever be consistent with the policies towards landscape and the built environment.

1.3 CNPA are of the view that the plan sets in place a robust suite of policies against which all proposals will be assessed. CNPA do not consider it appropriate therefore to assume that any proposal would not be able to satisfy these policies. Rather CNPA considers it more acceptable to allocate the site and assess the merits of any development, taking into account all the information which would be available as a result of the application. This would also take into consideration the requirement for that proposal to be of the 'highest standards as required by the supporting text to this proposal.

1.4 The Reporters go on to look at the boundary to the settlement. They conclude that General Wade's Military Road as it runs from the A86 north east to Kerrow Cottage provides a clearly identifiable boundary which is suitably robust and readily defensible. This was not raised as an objection, and CNPA are of the view that changing the settlement boundary at this stage in the plan process would not be appropriate. CNPA is also of the view that the A9 is a clear and defensible boundary which is defensible, and does not therefore consider a change to the settlement boundary is required.

1.5 Finally the Reporters look at the access issues associated with the site. The Reporters comment that Transport Scotland have serious and unresolved concerns about taking the access directly from the A86 trunk road. CNPA provided evidence to the Inquiry to confirm that, as a result of the submission of a planning application for the site, and consultations which had occurred as a result of that, the main transport concerns had been fully addressed. This continues to be the case and the planning application for the site has now been approved. CNPA therefore considers that, as the main transport concerns have been fully resolved, it is appropriate to retain the site as an allocation in the plan.

2. CNPA Decision

2.1 CNPA does not accept the recommendation to remove this site from the plan as an employment allocation.

3. Changes to plan needed to address decision

3.1 None

Issue	Kingussie housing allocation KG/H1		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400i(k)
Procedure	Written submissions		
Objectors	Mr Duncan	Objection refs	037p
	Mr JS Grant Washington		413
	Mr L Aardenburgh		433
	Scottish Campaign for National Parks		434r
	Davall Developments		460 & 461b
	Mr R J Kinnaird		480
	Mr RJ Morris		487

Extract from the Reports Report

Conclusions

54.15 When we review the findings set out in the above paragraphs, we conclude that there should be an allocation of land for housing within Kingussie and that the vicinity covered by site KG/H1 is a suitable area of search. However, we have reservations about what is proposed in the finalised version of the local plan. If CNPA decide that the whole of site KG/H1 should continue to be incorporated within the proposals map for Kingussie then the phasing of land release becomes a critical factor. As things stand, on favourable assumptions, only 55 units can be accommodated on the western portion of the site accessed from Dunbarry Terrace, and even then we remain to be convinced that these are marketable over the life of the plan. We conclude that only that portion of the site which can be considered to be effective at this time should be allocated within this local plan. Any masterplan which is prepared should incorporate the probability of sequential development with land released in a measured, phased manner. The masterplan must also overcome the difficulties posed by the need for access at the eastern edge of the site.

54.16 We have considered all of the other matters that have been drawn to our attention, including that there be more open space in Kingussie and the benefits of dualling the A9, but find none of such weight that it alters our reasoning or conclusions.

Recommendation

54.17 Accordingly, we recommend that KG/H1 as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be amended to a size which can deliver 55 houses within the life of the adopted local plan; and that continuing consideration be given to the subsequent phased release of the remainder of the site.

Additional Suggestions/Reservations to be addressed

54.13...We would expect the masterplan to consider, amongst other things, structure planting, footpath connections and other features to enhance amenity and ensure the relationship of the provision of all of these to the settlement of Kingussie as a whole, paying adequate regard to the provision of open space.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to H1 housing allocation in Kingussie, CNPA welcomes the conclusion that the allocation is in line with the aims of the CNPP 2007 and its strategic objectives.

1.2 The Reporters go on to repeat their reservations over the allocation of housing land. CNPA has set out its analysis, decision and post inquiry modifications which address this in the General Housing Land Supply section of this report. The Reporters do however accept that an allocation of land for housing in Kingussie is appropriate within a strategy that focuses growth on the main settlements.

1.3 The Reporters then consider the landscape impact of development on H1. The Landscape Capacity for Housing Final Report looks at the site in 3 segments. They conclude that the western section is suitable for development, with the eastern section acceptable only if that is required in the long term. Taken on the whole, they conclude that there are no factors which render H1 as unsuitable for consideration as a housing site at this stage in the planning process.

1.4 They then consider the effectiveness of the site as judged against the tests in SPP3. Evidence presented by CNPA at the inquiry indicated that the site is effective. They then consider the issue of the preparation of a masterplan. CNPA has, since the inquiry received and approved a concept masterplan application for the site which establishes how the site will be developed.

1.5 Finally the Reporters assess the issue of access. As a result of the ongoing negotiations and discussions which occurred as a result of the assessment of the concept masterplan application, the objections and concerns raised by Transport Scotland have been overcome. As a result access can therefore be taken from the A86 and need not therefore be restricted to Dunbarry Road and Dunbarry Terrace.

1.6 Looking at the issues in the round, the Reporters conclude that the vicinity of H1 is suitable as an area of search for an allocation of land for housing. With the reservations in mind, they conclude also that if the site is to continue, then phasing becomes critical. They consider only 55 units can be accommodated accessed from Dunbarry Terrace. Only that portion is considered by the Reporters to be effective. They add that the masterplan should be prepared and incorporate sequential development with land released in a measured manner. It must also address the problems associated with access to the eastern part of the site.

1.7 CNPA agrees that the site is a suitable one to allocate for housing. However CNPA does not agree that only 55 units can be considered as effective. The issues

of access have been overcome, and a concept masterplan approved for the whole of the site, which includes amongst other things, phasing details.

1.8 The Reporters also consider the acceptability of a variety of other sites proposed for housing development. They conclude these might be possible as windfall sites, but see no reason to identify them specifically. CNPA agree with this conclusion based on the fact that policies allow for the consideration of windfall sites, and also that there is no need for additional sites based on the revised tables setting out the effective supply and the accepted need during the life of the plan.

2. CNPA Decision

2.1 CNPA does not accept the recommendation that the site H1 should be amended to deliver 55 houses within the life of the plan, and that subsequent phased release of the remainder should be given further consideration.

3. Changes to plan needed to address decision

3.1 None

Kingussie

Kingussie is a strategic settlement within the settlement hierarchy and it is identified as a main settlement in the National Park Plan.

Proposals

KG/HI

i. This 16.05Ha site would provide land for short and longer term housing supply in Kingussie. It could provide land for around 300 dwellings, with 75 of these provided during the life of the Plan. The phasing of the site will be required to take into account access provision to the site and the capacity of the existing road network.

ii. The site runs north from the A86 by Craig an Darach towards Kerrow Farm and west from Kerrow Farm to the rear of properties bounding Ardbroilach Road and is bounded by forestry to the north. The site is currently improved grassland grazed by livestock.

iii. Access to this site should be taken from the local road network. A traffic impact assessment will be required to ensure development of this site and others in neighbouring Newtonmore do not create an unacceptable cumulative impact on the A86 or A9.

iv. The National Park Authority will work with partners to produce a masterplan for the site to ensure effective provision of housing ~~in line with the phasing outlined in Table 4.~~ This masterplan should clarify the position regarding key infrastructure issues. The development of this site presents an excellent opportunity to provide opportunities for large and small scale developers and builders to work together to bring forward the delivery of the proposal. This will be recognised in the masterplan.

KG/ED1: text unchanged

KG/ED2: A small area of land to the west of Spey Street and adjacent to the railway line could also provide some opportunity to support the economic development of the settlement. ~~Part of this site lies within SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment will therefore be required to accompany any development proposals for this site.~~

KG/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Newtonmore housing allocations NM/H1 & NM/H2 & road issues		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(l)
Procedure	Written submissions		
Objectors	Mrs Sally Leslie Melville	Objection refs	079
	Max & Tricia Brown		357
	James Hall		371b
	Transport Scotland		423h

Extract from the Reports Report

Conclusions

55.15 Newtonmore has seen little development since 1997 due to sewage infrastructure constraints that have now been removed, so that the way is now clear for growth and development in accordance with Newtonmore's strategic role in the settlement hierarchy, as set by the CNPP 2007. The finalised local plan allocates housing land for 220 units, but we have been unable to establish how that figure has been derived in terms of settlement need. Our view is that the finalised local plan is too generous in its estimate of the amount of housing land that the Park needs and we have no reason to suppose that general opinion does not apply specifically to Newtonmore. Given the town's strategic role this is not necessarily a fatal flaw in the plan, but it does undermine one objector's argument that the town actually needs more housing land during the plan period, especially as that view is not supported by firm or quantifiable evidence that contradicts CNPA's position.

55.16 Allied to that, we have concerns about the estimated capacity of each allocated housing site. We have found unexplained differences between the adopted local plan, the deposit version of the local plan, and the finalised version of the local plan. We also have no evidence, including in the form of a development brief, to give certainty that the sites can accommodate comparatively high density development, or to commit CNPA to addressing design issues like landscaping, tree preservation, recreational provision, and vehicular access. That said, broad sustainable design issues are the subject of other CNPLP policies which must be applied to any subsequent planning applications that might emerge in implementation of these housing land allocations.

55.17 The finalised local plan also expects that each site will contribute affordable housing, and a precedent has already been set for this as well as for a priority purchase scheme for locals on NM/H1. However, we cannot agree with an objector's suggestion that both sites should only be developed for these particular kinds of housing, especially in the absence of detailed information on the level and specific nature of Newtonmore's housing need.

55.18 Roads issues are covered in the finalised local plan as far as CNPA is able for the by-pass and in the form of an agreed wording for the trunk roads access restriction.

55.19 Therefore, subject to all of the above being realised as well as to the clarification and re-ordering of the plan text, which CNPA accepted at the hearing would be beneficial, we find no reason to oppose the designation of NM/H1 and NM/H2 for housing development.

55.20 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

55.21 Accordingly, we recommend that, subject to addressing all of the above comments and reservations, allocations NM/H1 and NM/H2 should be taken forward into the adopted local plan broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008.

Additional Suggestions/Reservations to be addressed

55.12 ... the briefs will require a substantial amount of landscaping to soften and contain development, given that they are both prominent in a low-lying landscape, as well as to reinforce the new settlement boundary on the outside edge of both sites. ...The briefs will also secure the existing trees on both sites and will set the framework for a recreational circular walk, part of which will follow the route of the historic Coffin Path around NM/H1.

55.14 ... we find that the finalised version of the local plan text mentions the community's aspiration of a town by-pass and we expect that provision will be made for this in the development briefs along with all of the above.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to the housing allocations in Newtonmore, they raise again the issue of a vision for the settlement. CNPA have already set out their analysis and decision on the production of settlement visions in the General Housing Land Supply section of the Report. Within this section it has also set out its revised figures regarding housing land supply, following the guidance provide in SPP3.

1.2 To set out clearly what is expected from development on the housing sites, the Reporters give some detail about what they would expect to see in development briefs, which CNPA has assured will be produced. CNPA is producing the development briefs to accompany the plan at the time of adoption, and the points raised will be included.

1.3 The Reporters also raise the issue of affordable housing need by settlement and the need to revisit the issue of residency criteria. Both these issues are addressed elsewhere in the report, under the section on Affordable Housing (policy 21).

1.4 Finally the Reporters conclude that subject to a review of the wording the allocations should be taken forward. CNPA accepted the need for such a review, and will include this by way of modification.

2. CNPA Decision

2.1 Accept the recommendation to carry forward the housing allocations in Newtonmore subject to a review of the supporting text.

3. Changes to plan needed to address decision

3.1 Amend the text to reflect the issues raised by SEPA regarding flooding, and to clarify the position regarding the housing allocations for the reader

Newtonmore

Newtonmore is a strategic settlement within the settlement hierarchy and it is identified as a main settlement in the National Park Plan.

Proposals

NM/H1:

i. A 11.7ha site would provide land for around 120 dwellings. A detailed planning application is with the National Park Authority for the development of part of this. This application will now be considered in line with the current adopted local plan (Badenoch and Strathspey Local Plan 1997), but will assist in providing housing for this local plan and its housing needs. This visually prominent site will be the subject of a development brief, and any development within the site will ensure adequate access is provided to the rest.

ii. The development of this site presents an excellent opportunity to provide opportunities for large and small scale developers and builders to work together to bring forward the delivery of the proposal. This will be recognised in the development brief. The brief will also address any mitigation required as a result of the prominent nature of this site.

iii. Part of the site may be prone to flooding. The railway bridge and embankment downstream of the site have not been modelled as part of the SEPA indicative 1 in 200 year flood risk area. A detailed flood risk assessment will therefore be required to accompany any additional development proposals for this site.

NM/H2: A 5.2Ha site between Perth Road and Laggan Road that would provide land for around 100 dwellings. The site is visually prominent and the National Park Authority will prepare a

development brief to ensure a layout that minimises and mitigates the effects of any development. Access for this development should be taken from the local transport network.

iii. There also remains within the community an aspiration that the A86 should bypass the village centre. This would be achieved by means of a new road link to the B9150 along the boundary of area H2 and a new road link to the industrial site at ED2 through H1. Development of H1 or H2 may provide opportunities to bring this forward. Any transport intervention requiring Scottish Minister / Scottish Government / Transport Scotland consent and/or funding would require to undergo an appropriate transport appraisal. Further discussions will be required in the development of development briefs for these sites to include the views of both the community and road engineers, among others to clarify the options for such a development.

NM/ED1-NM/ED2: text unchanged

NM/ED3: the role of the Highland Folk Museum is important to the economic success of the area as a whole, and proposals to expand and enhance the facility will be supported. Part of this site lies within the SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment will be required to accompany any development proposals for this site.

NM/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Boat of Garten housing allocation BG/H1		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(m)
Procedure	Written submissions		
Objectors	G Simpson	Objection refs	381
	Roy Turnbull		390q
	Scottish Campaign for National Parks		434r
	Seafeld Estate		455a

Extract from the Reports Report

Conclusions

56.30 Drawing the above matters together, while we have concerns about CNPA's general approach to the housing land allocations, we are satisfied that there should be scope for a housing land allocation in Boat of Garten. Such an allocation would accord with the strategic objectives of the CNPP 2007. From that, the size proposed for BG/H1 is not disproportionately large and, subject to phasing, there is no reason to suppose that it would be inappropriate for the role that Boat of Garten plays in the settlement hierarchy, but we cannot conclude that it is essential.

56.31 We have serious concerns about the impact of the proposal for one Scotland's most threatened species, i.e. capercaillie. We also agree with the submitted capacity assessment findings that development of the site would have a significantly negative impact on the landscape character of Boat of Garten. Based on these findings, we conclude that the natural heritage and landscape value of BG/H1 and the potential for harm from development are so significant that development should be presumed against. These same conclusions apply to the objector's suggested additional site nearby in Boat of Garten wood.

56.32 We conclude that BG/H1 can make a contribution to the effective land supply in terms of Annex 1 of SPP 3: Planning for Homes. However, to overcome all of the constraints and to comply with the aims of the National Park and the strategic objectives of CNPP 2007 as well as other finalised local plan policies that govern the protection of the natural environment, CNPA would need to show an overwhelming need for the housing that would be accommodated in BG/H1. We cannot conclude that requirement has been satisfied. Nevertheless, we accept that adequate safeguards can be put in place to secure an appropriate standard of development, but we regard all of the shortcomings discussed above as being of such overriding significance that neither allocation BG/H1 or the objector's suggested additional site in Boat of Garten wood should proceed.

56.33 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

56.34 Accordingly and based on all of the above, we recommend that allocation BG/H1 should be deleted from the Deposit Local Plan Modifications (1st and 2nd) October 2008 as it proceeds to adoption. We further recommend that the additional site suggested by the objector, which is also in Boat of Garten wood, should not be allocated for housing development.

Additional Suggestions/Reservations to be addressed

56.15 ... an appropriate assessment is undoubtedly required for BG/H1, and it must be prepared by CNPA. ... it is not enough for CNPA to rely upon the Scottish Natural Heritage report or the SEA summary in Topic Paper 4a in lieu of appropriate assessment, nor can CNPA pass the matter to a developer to address, including through the application of other related finalised local plan policies.

56.27 ... CNPA would need to show an overwhelming need for the housing that would comprise BG/H1. From the evidence before us, we consider that requirement is not satisfied.

1. CNPA analysis and comment

1.1 In considering the recommendations of the Reporters made in regard to Boat of Garten H1, CNPA welcome the conclusion that Boat of Garten should be identified as an intermediate settlement in the hierarchy.

1.2 They go on to question the need for a housing allocation. CNPA has set out its analysis and decision regarding the allocation of land to provide an effective five year supply for housing in the General Housing Land Supply to this report.

1.3 The Reporters go into some detail regarding the appropriate assessment which was prepared for the site. CNPA in reading these comments are of the view that it has complied with the requirements of Conservation (Natural Habitats, &c) Regulations 1994. With the help of our partner organisation, Scottish Natural Heritage, an appraisal was undertaken of the site and the allocation with specific regard being paid to capercaillie. This appraisal was carried out by SNH for CNPA rather than it being an SNH publication on which CNPA has relied. The appraisal has been published on the CNPA web site and the outcomes have influenced the modifications made to the wording of the text associated with the allocation.

1.4 Moving on from there, CNPA do accept the comments made regarding the current SNH assessment and the methodology used. As a direct result of a current planning application which is being considered additional information has come to light which has cast doubt on the methodology, and CNPA therefore accept the appropriateness of using the precautionary principle.

1.5 The Reporters go on to assess the landscape impact of development on this site. CNPA accept that the landscape capacity study finds that there are no obvious opportunities to expand Boat of Garten because the pine woodland is seen as a significant constraint. In reviewing the recommendations CNPA can accept that the

allocation of a large housing site at this location would not follow the advice given in the Landscape Capacity Study and can therefore agree that the site should be removed.

1.6 The Reporters go on to review alternative sites but conclude that they are not acceptable to be allocated for housing development. CNPA accept this conclusion, agreeing that the sites proposed also raise issues regarding capercaillie and impact on the landscape value of the wood.

1.7 In summary, in light of the landscape capacity constraints and the need to adopt the precautionary principle, CNPA can accept that the site does not meet the tests of effectiveness set out in SPP3. CNPA therefore accept that the site should be removed from the Local Plan.

2. CNPA Decision

2.1 Accept the recommendation to remove H1 from the Local Plan and amend the proposals map accordingly.

3. Changes to plan needed to address decision

3.1 Delete text associated with H1.

3.2 Delete the site identified on the Proposals map as BG/H1

Issue	Boat of Garten other allocations		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objector	Boat of Garten Community Council	Objection ref	092d

Extract from the Reports Report

Conclusions

57.8 Overall therefore, we consider that the use of the ENV designation should be the subject of a thorough review and, after that, it should be used in a consistent way throughout the local plan. In the meantime, allocating Milton Loch a safeguarded environmental area would nonetheless be appropriate because it would:

- support the strategic planning policy background for the finalised local plan;*
- fit the general description of ENV land in the finalised version of the local plan;*
- reinforce the findings of the landscape capacity study including by strengthening the robust and appropriate settlement boundary for Boat of Garten; and*
- safeguard a resource that local residents value.*

57.9 We have the same basic concerns about the relevance and value of the ED designation, including about the lack of transparent assessment criteria to underpin it and the lack of consistency of its application. However, from the evidence before us, including other sites that have a similar designation and the local significance of the hotel facility, we see no justification for excluding the Boat of Garten Hotel from the ED allocations as they have been used in the CNPLP.

57.10 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

57.11 Accordingly and based on all of the above, we recommend in general that the ENV and ED designations should be reviewed and amended. We further recommend that in the meantime, Milton Loch should be included as BG/ENV and the Boat of Garten Hotel should be incorporated as BG/ED3, as the Deposit Local Plan Modifications (1st and 2nd) October 2008 proceeds to adoption.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to other land allocations in Boat of Garten, CNPA has set out elsewhere in this report its analysis and decision regarding ENV land. CNPA has accepted the need for a review of ENV land but considers the most appropriate mechanism for undertaking this is with the ongoing work on the Open Space Audit.

1.2 The Reporters however feel that in the mean time, Milton Loch should be included as ENV as it is identified in the Landscape Capacity for Housing Study, which concludes that the loch is an attractive feature that is key to the

- dramatic sense of arrival experienced on entering Boat of Garten;

- definition of a strong settlement edge in this direction; and
- provision of an important recreational resource for the settlement.

1.3 CNPA accept that with specific regard to Milton Loch sufficient guidance is provided by the Landscape Capacity study to warrant its inclusion as ENV land.

1.4 The Reporters then look at the ED allocations. They criticise a lack of consistency in the application of this allocation, citing 4 examples where existing businesses are protected. CNPA accept that the hotel provides facilities that are considered important to the community, and in that, it is different to the many other hotels which exist across the Park. CNPA can therefore agree that it should be identified as ED3 and protected as such.

2. CNPA Decision

2.1 Accept the recommendation to include Milton Loch as ENV and The Boat of Garten Hotel as ED3.

3. Changes to plan needed to address decision

3.1 Include the Boat of Garten Hotel as ED3 on the proposals map and provide associated text.

3.2 Include Milton Loch as ENV on the proposals maps

Boat of Garten

Boat of Garten is an intermediate settlement in the settlement hierarchy. The village services currently include a school, shops, post office, hotel, other tourist facilities including the steam railway and a new community centre.

the most appropriate way to take forward proposals.

Proposals

~~BG/H1: This 5.8Ha site to the west of the existing settlement is identified for housing development and would provide land for around 70 units. The site should provide housing land for Boat of Garten's needs for the lifetime of the Local Plan, with an initial phase of 50 dwellings. Additional capacity will then provide a further 20 dwellings to meet future need. The site contains and is affected by important natural heritage interests and any development must ensure that appropriate mitigation and access management is incorporated to ensure adequate protection is ensured. The design of any development will also retain as much of the existing woodland on the site as possible and ensure access to BG/C1.~~

BG/ED1: text unchanged

BG/ED2: text unchanged

BG/ED3: The Boat of Garten Hotel offers tourist accommodation, non –residents dining, function facilities, conference rooms, as well as sports and other related facilities. It is a community asset and a source of employment and economic support for Boat of Garten.

BG/C1: The site to the west of the village and immediately west of the new village hall is to be retained in order to support the community and would be appropriate for a new school and/or other uses which support the economic development of the settlement and its sustainable community. Any proposal must take accordance of the high environmental sensitivity of its context. The design of any development will retain as much of the existing woodland of the site as possible.

BG/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be

Issue	Braemar economic development allocations		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objector	The Proprietors of Mar Centre	Objection ref	394b/o
Procedure	Written submissions		
Objector	Braemar Community Council	Objection ref	428a

Extract from the Reports Report

Recommendation

58.9 Accordingly, subject to the above reservations, we recommend that the allocation of land for economic development as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

58.7 ... we suggest that the identification of some additional land for economic development within revised settlement boundaries might be a focus of attention for a masterplanning exercise and the parallel process of preparing the forthcoming Local Development Plan.

58.8 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to the economic land allocated in Braemar, CNPA welcomes the conclusion that that the sites are compatible with the strategic guidance provided by the CNPP 2007, and that the approach taken generally accords with national planning policy.

1.2 CNPA accept that conclusion that the sites identified do not offer much opportunity for expansion. Rather, CNPA took the approach of setting in place a policy framework for the assessment of proposals as they emerge. However in taking this approach, CNPA accept that this does not give clear direction for future growth. Looking to the future CNPA has accepted the concept of a village wide masterplan, or future looking strategy. This will assess the position of Braemar in the settlement hierarchy, and provide guidelines on what role tourism related and other employment might play in securing the village as a sustainable community. The identification of additional land would therefore be required to form part of this. CNPA has agreed to undertake this work in conjunction with the key land owners and community as part of the work in preparing the Local Development Plan.

2. CNPA Decision

2.1 Accept the recommendation that the economic land identified in the Local Plan be carried forward into the adopted plan.

3. Changes to plan needed to address decision

3.1 None

Issue	Braemar housing allocations		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objector	The Proprietors of Mar Centre	Objection refs	394a
Procedure	Written submissions		
Objector	Braemar Community Council	Objection ref	428b/c

Extract from the Reports Report

Conclusions

59.12 *When we review our reasoning in the above paragraphs we conclude that: Braemar has been identified properly within the National Park settlement hierarchy as an intermediate settlement; that there is no difficulty with any of the modifications to the deposit plan as proposed; and that the housing sites identified in the finalised plan can be considered to be effective. No more housing land is required to meet the strategic objectives for sustainable communities in the lifetime of CNPLP; and the settlement boundaries are sufficiently robust to meet the needs of this local plan. However, looking to the longer term, we suggest that the identification of some additional land for housing, particularly affordable housing, within revised settlement boundaries might be a focus of attention for a masterplanning exercise and the parallel process of preparing the forthcoming Local Development Plan.*

59.13 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

59.14 *Accordingly, subject to addressing the above reservations, we recommend that the allocation of land for housing development as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 and as subsequently altered in the proposed post inquiry modifications should be taken forward into the adopted local plan.*

Additional Suggestions/Reservations to be addressed

59.4 *... We have no quarrel with its description as an intermediate for the purposes of this local plan. However, as we have pointed out elsewhere in this report, it would have been preferable if readers of the plan had the benefit of a succinct explanation from CNPA of how it had come to its conclusion.*

59.9 *...we suggest that the identification of some additional land for that purpose might be a focus of attention for the forthcoming Local Development Plan.*

59.11 *... delineation of the boundaries of Braemar in the vicinities of the sites identified by the objectors should be revisited in future. This could be undertaken within the context of the masterplanning exercise which we favour for this settlement and the parallel preparation of the forthcoming Local Development Plan.*

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to the housing allocations in Braemar, CNPA has already set out its analysis of the criticism made regarding the settlement hierarchy and the lack of a settlement vision. CNPA has also accepted the need to undertake the preparation of a masterplan with the active participation of interested parties including the local community.

1.2 At the inquiry CNPA put forward evidence to include additional wording to clarify the issue of a community wide consultation. CNPA therefore welcomes the Reporters conclusion that this wording is appropriate to be taken forward into the adopted plan. As part of this CNPA accepts the need to review the land identified for housing, which will then form part of the Local Development Plan.

1.3 CNPA welcomes the conclusion of the Reporters that the boundary of the settlement should be robust, and not flexible. This provides clarity to the reader on where the settlement is expected to end. Any review of the boundaries will also be included in the work to review all allocations within the village, in preparation for the Local Development Plan.

2. CNPA Decision

2.1 Accept the recommendation to take forward the housing allocations identified for Braemar into the adopted Plan subject to the inclusion of the wording put forward by CNPA at the Inquiry.

3. Changes to plan needed to address decision

3.1 Include as an introductory paragraph the wording put forward by CNPA and accepted by the Reporters.

Braemar

Braemar is an intermediate settlement in the settlement hierarchy. It is situated in the heart of the national Park and there is a recognised need to ensure the community remains sustainable with improved facilities and housing provision to meet local needs. To progress this in a co-ordinated way a masterplan is proposed to assess development options for the medium and long term, drawn up in consultation with the community and key stakeholders.

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Proposals

BM/H1: A site to the south and west of Braemar Lodge Hotel has outline consent for 20 dwellings although capacity could be increased to at least 25. ~~A detailed planning application is with the National Park Authority. The application will now be considered in line with the current adopted local plan (Aberdeenshire Local Plan 2006), but~~ The development will assist in providing housing for this local plan and its housing needs.

BM/H2: A detailed planning application is with the National Park Authority for the development of this site for 30 dwellings, and is linked to the provision of off site affordable dwellings at Kindrochit Court. ~~The application will now be considered in line with the current adopted local plan (Aberdeenshire Local Plan 2006), but~~ development will assist in providing housing for this local plan and its housing needs.

(An additional permission of 12 houses at Invercauld Farm will also be included as providing housing for this local plan and its housing needs)

BM/ED1: text unchanged

BM/ED2: text unchanged

BG/ED3: text unchanged

BM/C1: text unchanged

BM/ENV : text unchanged

Issue	Carr-Bridge housing allocation C/H1 & environment allocations		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(n)
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037r
	Roy Turnbull		390r
	Woodland Trust Scotland		393f
	Scottish Campaign for National Parks		434r

Extract from the Reports Report

Conclusions

60.20 Overall therefore, we conclude that the allocations in the finalised version of the CNPLP rely too heavily on those inherited from the extant adopted local plan, without adequate demonstration that these allocations continue to fit the prevailing and fundamentally changed circumstances. These new circumstances include the requirement to comply with the strategic objectives set by the CNPP 2007. In the absence of an overarching vision for the settlement, and evidence which demonstrates a locally generated housing need, we have difficulty in concluding that the amount of housing land allocated is appropriate for the role that Carr-Bridge plays in the settlement hierarchy.

60.21 We are also concerned about placing such heavy reliance on the existing outline planning permission as a driver for the allocation when there are clear indications that biodiversity issues may now render that permission incapable of implementation. Allied to this is strong evidence that the landscape implications of developing all bar the Boys Brigade Field could cause significant harm to the character and amenity of Carr-Bridge.

60.22 The marketability and thereby also the effectiveness of C/H1 are at best doubtful, whereby we cannot conclude that C/H1 is effective in terms of Annex A of SPP 3: Planning for Homes.

60.23 In view of our reservations about the wider application of the ENV designations throughout the plan area, we are unable to conclude that allocating the woodland as such would achieve the level of safeguarding that the objectors might hope. Nevertheless, this kind of designation could help to contain and define Carr-Bridge and create robust boundaries for the future.

60.24 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

60.25 Accordingly, we recommend that with the exception of the Boys Brigade Field opposite Carr Place, housing allocation C/H1 should be deleted from the Carr-Bridge proposals map in the local plan. Only the Boys Brigade Field, broadly as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan. We further recommend that the ENV designations around Carr-Bridge should be reviewed towards the possible inclusion of some or all of the rest of C/H1.

1. CNPA analysis and comment

1.1 The Reporters consider the allocations for housing and ENV in Carrbridge together. Concerns regarding the approach to housing land supply are repeated. CNPA has already given its analysis and modifications to this issue in the General Housing Land supply section of this report.

1.2 Looking specifically at the sites in Carrbridge, the Reporters acknowledge the existence of extant permission which is the subject of a number of reserved matters which included a requirement to undertake detailed surveys of wildlife and local hydrology. The results submitted to the CNPA as part of the reserved matters application have been challenged and undermined to such an extent that further information has been sought. In light of the problems which have arisen with the reserved matters application, the Reporters are of the view that *“the existence of the outline planning permission does not support an assumption that houses will or even can be built. The subsequent and related planning applications have been with the CNPA for 4 years and 2 years respectively, and the fact that both stand undetermined after such an inordinately long time indicates to us that the issues remaining to be addressed are significant impediments to development”*.

1.3 Previously in their report, the Reporters consider Aviemore H2 and H3 (para 46.10). There are similarities with these housing allocations, as the sites in Aviemore also have the benefit of an outline permission which is subject to a large number of conditions. The Reporters in 46.10 state, *“these sites have been allocated for development consistently since the adopted local plan and the CNPLP allocations do no more than recognise their current planning status, i.e. that they both have outline planning permission for residential development for up to 104 homes. Those permissions can be implemented irrespective of any local plan designation and we must assume that they will be implemented. Therefore, removing the local plan allocation would not remove the benefit of the permission, nor would it safeguard the sites and prevent development as the objectors might wish.”*

1.4 The reporters go on to assess the suitability of the site in terms of landscape impact, and the tests of effectiveness set out in SPP3. Further they review condition 4 of the outline permission which sets a build rate of no more than 15 homes per year, which is in contrast to the information provided in table 4. The figures quoted in the revised tables setting out the housing land supply, in the General Housing Land Supply section clarify that the site has an effective capacity of 90 units. This figure is taken from the latest agreed Housing Land Audit produced by The Highland Council.

1.5 In looking at the above, CNPA agree with the Reporters in 46.10 that removing CB/H1 would not remove the benefit of permission, and would not safeguard the sites from development. CNPA do not therefore consider it appropriate to remove this site as allocations from the Local Plan. Further CNPA consider the removal of this site would create confusion for the reader, and the local community. CNPA has previously committed to improving the clarity for the reader, and considers this recommendation to be a retrograde step.

1.6 Looking at the prospect of reallocating the land as ENV, the Reporters recommend allocating much of the site, with the exception of the Boys Brigade site, as ENV. This would reinforce the findings of the landscape capacity study and establish a robust and appropriate settlement boundary. However, CNPA do not accept the recommendation to remove the site as a housing allocation, and cannot therefore agree to its re-designation as ENV. CNPA has also set out elsewhere its analysis and decision in regard to a comprehensive review of ENV land across the Park as part of the work on the Open Space Audit.

2. CNPA Decision

2.1 CNPA does not accept the recommendation to remove CB/H1 with the exception of the Boys Brigade field from the plan as a housing allocation.

2.2 As a result CNPA do not accept the recommendation to designate much of the H1 site, with the exception of the Boys Brigade site as ENV.

2.3 Accept the need to review ENV land in a comprehensive way, but as part of the ongoing work on the Open Space Audit.

3. Changes to plan needed to address decision

3.1 None

Carr-Bridge

Carrbridge is an intermediate settlement in the settlement hierarchy. The village services currently include a school, shops, tourist facilities and some industrial type activities.

Proposals

C/H1: This site has an outline planning permission for up to 117 dwellings and a detailed application is now with the National Park Authority for the development of this number across the site. ~~This application will now be considered in line with the current adopted local plan (Badenoch and Strathspey Local Plan 1997), but~~ will assist in providing housing for this local plan and its housing needs. The site is broken up by an area of bog woodland habitat and the entire area has a range of habitats and UK biodiversity action plan species that need to be safeguarded within the development.

C/ED1: text unchanged

C/ED2: The site provides an important contribution to the local economic position, and should be retained. ~~Part of this site lies within SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment may be required to accompany any further development proposals for this site.~~

C/ED3: text unchanged

C/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Cromdale housing allocations CD/H1 and CD/H2		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400i(o)
	Scottish Campaign for National Parks		434r
	Glenmore Properties Ltd.		453q

Extract from the Reports Report

Conclusions

61.16 Drawing all of these findings together, we conclude that there is no sound reason to include sites CD/H1 and CD/H2 for housing for the intermediate settlement of Cromdale. On the evidence before us, the provision of both sites would be an over generous allocation in comparison to the role and scale of Cromdale for lifetime of this plan and for the foreseeable future. Of the 2 sites, CD/H1 is especially disadvantaged by its elevated, intrusive character, lack of robust and defensible boundaries, and by access which might affect the A95. The characteristics of CD/H2 are more favourable, but we consider that any need for housing land in Cromdale should be met from completion of the adjoining adopted local plan sites first, before any additional land is allocated. At the very least, the potential contribution from this adjoining “white land” that was allocated for housing development in the adopted local plan, should be taken into account in the calculation and, if CD/H2 is nonetheless to be allocated, it should be combined with the “white land” into one development to be undertaken in 2 phases.

61.17 We have taken account of all of the other matters that have been drawn to our attention but find none of such weight that it alters our conclusions.

Recommendation

61.18 Accordingly, we recommend that allocation CD/H1 should be deleted from the Cromdale proposals map as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008. We further recommend that adopted local plan allocations 6.1(c) and (d) should be taken account of in calculating the amount of housing land to be allocated in Cromdale and, if more land is required, these sites should be allocated with CD/H2 in the CNPLP as one development to be undertaken in 2 phases.

Additional Suggestions/Reservations to be addressed

61.5 ...but there is no explanation in the text supporting the proposals map or, indeed anywhere else in the plan, of why the land allocated is necessary to support the community of Cromdale and to ensure its future sustainability. Nor is there any explanation of how the land once allocated would achieve the strategic objective. That is a defect which should be rectified.

1. CNPA analysis and comment

1.1 In considering the recommendations of the Reporters in regard to Cromdale, CNPA welcome the agreement that the village is correctly identified as an intermediate settlement within the hierarchy.

1.2 The Reporters do not however conclude that the allocations meet the strategic objectives of the CNPP 2007. There is no explanation of why the land allocated is needed to support the community, and to ensure its future sustainability. Nor is there any explanation of how the land would achieve the strategic objective. CNPA consider it is important to allocate land within intermediate settlements to allow for new development to help support the community and its aspirations to expand.

1.3 The Reporters repeat their concerns about the way in which land has been allocated for housing. CNPA has set out its analysis, decision and post inquiry modifications to address this in the General Housing Land section of this report.

1.4 The Reporters go on raise a number of concerns regarding the allocations in Cromdale in General. Then, looking specifically at H1 the Reporters consider that development on the site would be intrusive, breach the settlement pattern, and disrupt the sense of containment that the slope currently established. CNPA accept that the landscape capacity for housing study recommends development of only a very tightly prescribed and limited portion for H1. Based on the above, CNPA therefore agree that, on reflection H1 does not comply with the strategic objectives of the CNPP 2007 particularly with reference to those strategic objectives relating to landscape, built and historic environment. It would not complement and enhance the character pattern and local identity of the built environment regardless of the quality of the development.

1.5 Looking specifically at H2 the Reporters question why the site is no longer being protected for forestry related development as in the current adopted plan. They also raise a number of questions about why the site is being brought forward. CNPA agree that on reflection it is more appropriate to direct development towards sites with outstanding permission and those which have been degraded. The allocation of H2 would then be more appropriate as a long term solution should the need require.

2. CNPA Decision

2.1 Accept the recommendation to remove H1 and H2 from the local plan.

2.2 Accept that development should be directed to sites with outstanding consent, or which have been left in a degraded state.

2.3 Accept the inclusion of land identified within the latest housing land audits as being effective within the calculations for housing land in Cromdale.

3. Changes to plan needed to address decision

3.1 Delete text and allocations on the proposals maps with reference to H1 and H2.

3.2 Include effective supply from latest housing land audits into calculations for need and supply in Cromdale.

Cromdale

Cromdale is an intermediate settlement in the settlement hierarchy. The services currently include a community hall, shop, post office, hotels, and some employment uses.

Proposals

~~CD/H1: The site on the north-eastern edge of the settlement between the Old Inn and Tom-an-uird View is appropriate for around 50 dwellings. Access to the site should utilise the existing local road network where possible, and should not have an adverse impact on the trunk road. A small watercourse runs through the site and potential flood risk has not been adequately quantified. A flood risk assessment may be required in support of any further planning application or reserved matters.~~

~~CD/H2: A 3.03Ha is appropriate for around 30 dwellings. Development of this site should ensure connection to the core paths network and the Speyside Way.~~

CD/ED1: a small site at the Smoke-House has some potential to provide for economic development in the village and any proposals must ensure that issues regarding contamination and access are adequately addressed. Part of this site lies within SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment will be required to accompany any further development proposals for this site.

CD/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Dulnain Bridge housing land allocations		
Lead Reporter	Jill Moody		
Procedure	Written submissions		
Objector	Seafield Estate	Objection ref	455b

Extract from the Reports Report

Conclusions

62.9 *Dulnain Bridge is an intermediate settlement in the hierarchy set by the CNPLP. While we have some general concerns about the way the hierarchy has been applied in the plan, we accept that the size of the resident population and the range of services currently on offer justify that placing. From this, it follows that some development is to be expected to sustain the community, in accordance with the strategic objectives set by the CNPP 2007. However, the link between that role and the size of the CNPLP housing allocations is not adequately formed. In addition, we are satisfied that the CNPLP provides an over generous supply of land for housing development overall, with no settlement specific estimate of need available to us to justify the allocations arising. It follows from this that we cannot conclude that yet more land is needed.*

62.10 *Even if the release of more land for housing development could be justified, the boundary of Dulnain Bridge is properly defined and the CNPLP identifies development opportunities within it. As a result, we conclude that there is no reason to expand the settlement at least for the life of the emerging local plan. In addition, developing the objection sites would more than likely have a negative impact on the landscape character of Dulnain Bridge as well as on the natural heritage value of the surroundings.*

62.11 *We have taken account of all of the other matters that have been drawn to our attention but find none of such weight that it alters our conclusions.*

Recommendation

62.12 *Accordingly, we recommend no change to the housing allocations for Dulnain Bridge as these appear on the proposals map and associated text set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008.*

Additional Suggestions/Reservations to be addressed

62.4 *... there is no explanation in the emerging local plan text supporting the proposals map or, indeed anywhere else in the local plan, of why the land that has been allocated for housing is necessary to support the community of Dulnain Bridge and to ensure its future sustainability. Nor is there any explanation of how the land once allocated would achieve the strategic objective. While that defect should be rectified, it follows that we find no justification in terms of the CNPP 2007 strategic objectives for the principle of allocating even more housing land over and above DB/H1 and DB/H2.*

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to Dulnain Bridge, CNPA welcome the conclusion that it should be identified as an intermediate settlement based on its population and services.

1.2 The Reporters go on to criticise the lack of explanation why land is allocated in Dulnain Bridge. CNPA has set out its revised figures and justification for the housing land supply identified in the General Housing Land Supply section of the Report. Associated with this CNPA agree with the Reporters that there is no need to identify any additional land in this settlement. To clarify this for the reader, CNPA agree that the settlement boundary should be retained.

2. CNPA Decision

2.1 Accept the recommendation to make no change to the housing allocations in Dulnain Bridge.

3. Changes to plan needed to address decision

3.1 No change to the allocations

Dalnain Bridge

Dalnain Bridge is an intermediate settlement in the settlement hierarchy. The range of local services available include a village hall, church, garage, post office/shop, and primary school.

Proposals

text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Kincraig housing allocation KC/H1 & economic development allocation KC/ED1		
Lead Reporter	Jill Moody		
Procedure	Hearing		
Objector	Badenoch & Strathspey Conservation Group	Objection ref	400i(q)
Procedure	Written submissions		
Objectors	Ralph C Wylie	Objection refs	087
	Roy Turnbull		390s
	Alvie & Dalraddy Estate		439z/c

Extract from the Reports Report

Conclusions

63.14 Drawing the above matters together, we consider that Kincraig has been classified at an appropriate level in the settlement hierarchy given its population size and the range of facilities on offer. We are satisfied that neither allocation breaches the essential aims of the National Park although we have concerns about the lack of clear evidence to show a specific local need for the extra housing proposed in the finalised local plan, especially in view of the amount of development that has taken place in the recent past. The number of additional new homes envisaged by KC/H1 is comparatively large. However, at worst, we are satisfied that it raises issues of phasing rather than unacceptable scale, especially as KC/H1 is well contained and represents a logical development area that would complete the expansion potential of Kincraig for the foreseeable future.

63.15 Neither site KC/H1 nor KC/ED1 has been proven to be of such high biodiversity quality that development should be prevented, as a matter of legislation or policy. Instead, the development of them both offers potential to enhance the quality of local biodiversity directly and indirectly, subject to the agreed adjustments described above.

63.16 Kincraig currently contains a high incidence of second home ownership, which must impact on the viability of local services like the primary school. Simply adding more open market housing will almost certainly not resolve this, but it may offset the imbalance at least to some extent.

63.17 As regards local amenity, both sites merit careful treatment but both can be developed in a sympathetic manner. KC/H1 in particular offers potential for enhancement as described above, and part of KC/ED1 has been developed before for industrial purposes.

63.18 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

63.19 Accordingly, subject to our comments above, we recommend that allocations KC/H1 and KC/ED1 as shown on the proposals map in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

63.9 CNPA agreed at the hearing to review the boundaries of KC/ED1 to better reflect and protect its natural value whereby land to the back of the site and away from the B9152, plus the riparian strip along its south west edge, could be excluded from the development designation. ... we would expect that any development brief would highlight and cover natural heritage issues in more detail than is generally appropriate for a local plan. For example, CNPA accepted at the hearing that:

- parts of KC/H1 should be excluded from development;
- birch woodland should be safeguarded;
- a circular walk could be developed for the village using parts of both sites; and
- planting along the burn edge of both sites could be enhanced.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to Kincaig, CNPA welcome the conclusion that Kincaig has been properly identified as an intermediate settlement.

1.2 CNPA has set out, in the General Housing Land Supply section of this report its modified information regarding the allocation of land to meet the housing need. For Kincaig, this clarifies that there is an effective supply for this plan of 25 units. The site has capacity for around 40 dwellings, and CNPA agree with the Reporters that phasing is therefore important to ensure appropriate levels of development to meet the need.

1.3 In looking at the evidence considered at the Inquiry, CNPA agreed to review the boundaries of ED1 to better reflect and protect its natural value. CNPA also agreed to include within the development brief for the housing allocation issues pertaining to natural heritage, including areas of the site which should be excluded from development, areas of birch woodland to be protected, a circular walk and areas of planting along the burn edge. CNPA has agreed to include this level of detail within the brief, and this will therefore form part of the brief for the site.

1.4 The Reporters go on to consider options to allocate parts of H1 as ENV. CNPA has set out its position regarding ENV land, and what work will be undertaken to review all ENV land in the preparation for the Local Development Plan.

2. CNPA Decision

2.1 Accept the recommendation that H1 and ED1 in Kincaig should be taken forward into the adopted local plan.

3. Changes to plan needed to address decision

- 3.1 Amend text of H1 to clarify the effective land supply for H1 in the plan period.
- 3.2 Revise the boundary of H1 to take account of the issues raised at the inquiry.
- 3.3 Revise the boundary of ED1 to take account of the issues raised at the inquiry.

Kincraig

Kincraig is an intermediate settlement in the settlement hierarchy. It offers services that currently include a primary school, shop, post office, hotel and sports pitch. .

Proposals

KC/H1: This 5.7Ha site will consolidate the housing in Kincraig around the School. It would be suitable for around 40 dwellings, 25 of which are considered effective for this plan period. Development of the site will have to incorporate the wetland area towards the south of the site into its Sustainable Urban Drainage System (SUDS).

KC/ED1: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Nethy Bridge community land allocation NB/C1		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Alan & Olwen Billington	Objection refs	093 & 094
	J M Gaukroger		104
	Paul & Susan Culliford		355
	Mrs A D Wallace		366
	William G Templeton		407a
	William Stuart Patterson		409h
	Barbara Paterson		426

Extract from the Reports Report

Recommendation

64.6 Accordingly, we recommend that the amendments to the supporting text for site NB/C1 as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to C1 in Nethy Bridge, CNPA has already agreed through modifications published and consulted on to amend the wording associated with C1. The Reporters agree that this change is appropriate and should be carried forward into the adopted plan.

2. CNPA Decision

2.1 Accept the recommendation in regard to C1 to amend the text as in the 1st modifications to the plan.

3. Changes to plan needed to address decision

3.1 None

Issue	Nethy Bridge environment allocations		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400i(r)
Procedure	Written submissions		
Objectors	Steven Broadhurst	Objection refs	055
	J M Gaukroger		104
	David Dean		354
	P Boyce Kenyon		373
	Roy Turnbull		390t
	William Stuart Paterson		409f/g
	Barbara Paterson		426

Extract from the Reports Report

Conclusions

65.12 When we review our reasoning in the above paragraphs we conclude that in order to meet the expectations of Government for the content of a local plan a new policy entitled along the lines of open space within settlement should be introduced to underpin the identification of the areas labelled ENV in the proposals maps of the emerging local plan. As far as Nethy Bridge is concerned, the modifications introduced into the deposit version of the plan cover adequately the principle concerns of the objectors. The settlement boundary should be extended to include Balnagowan Wood but there is no need for any extension of the settlement boundary at School Wood.

65.13 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

65.14 Accordingly, we recommend that a new policy should be introduced to the emerging local plan to underpin the identification of the areas labelled ENV in the proposals map of the Deposit Local Plan Modifications (1st and 2nd) October 2008. Subject to that and the proviso set out above concerning the settlement boundary, the areas labelled ENV in the proposals map for Nethy Bridge should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

65.7 ... we are convinced that a new policy dealing specifically with open space within settlements should be introduced into the CNPLP to underpin the intentions of CNPA towards protection of the environment within settlements as they are set out in section 7 of the emerging local plan.

65.10 ...we suggest that the village boundaries be redrawn to include Balnagowan Wood within the settlement envelope.

1. CNPA analysis and comment

1.1 In considering the recommendations to ENV land in Nethy Bridge, CNPA has already set out its analysis and post inquiry modification to resolve the matter under Policy 36 and in the assessment of the conclusions made to the Introduction to Section 3 of this report.

1.2 In terms of a review of the ENV land, CNPA has set out, in its analysis under Aviemore ENV, that all land within and around settlements is to be reviewed as part of the ongoing work to prepare an Open Space Audit, and the preparation of an Open Space Strategy. CNPA repeats here that it does not consider it appropriate to review open space as a separate exercise to this work on the Audit. The Audit will inform supplementary guidance and will also be used to inform the Local Development Plan. If the audit reveals a need for amendments to the allocations before the production of the draft Local Development Plan, CNPA will bring forward supplementary guidance to reflect this.

1.3 The Reporters go on to review various pockets of land to assess their appropriateness as open space. In association with this the Reporters conclude that the settlement boundary should be redrawn to include Balnagowan Wood within the settlement envelope. CNPA agree that there is logic to this change as it clarifies exactly the role this land allocated as ENV plays.

2. CNPA Decision

2.1 CNPA do not accept the need for an additional policy to underpin the ENV designation, but do accept the need to clarify this allocation within the supporting text of Policy 36 'Other Open Space'.

2.2 Accept the need for a review of all ENV land but consider the most appropriate way of undertaking this is with the Open Space Audit which will be used to inform supplementary guidance and the future Local Development Plan.

3. Changes to plan needed to address decision

3.1 Change the boundary to include Balnagowan Wood in the settlement boundary

Issue	Nethy Bridge housing allocations, including NB/H1 & NB/H2 & economic development allocation NB/ED1		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objectors	Badenoch & Strathspey Conservation Group	Objection refs	400i(r)
	CP Group		459a
Procedure	Written submissions		
Objectors	DW & IM Duncan	Objection refs	037t
	D Black		047
	Lorna Crane		345
	Paul & Susan Culliford		355
	P Boyce Kenyon		373
	Roy Turnbull		390t
	Woodland Trust Scotland		393g
	William G Templeton		407b
	Inverburn Ltd		408a
	William Stuart Patterson		409d
	Scottish Campaign for National Parks		434r
	Hamish Jack		440
	Goldcrest (Highland) Ltd		445b
	Speyburn Homes		450
	Reidhaven Estate		456r

Extract from the Reports Report

Conclusions

66.20 When we draw together our findings on whether these proposed allocations should be included within the adopted local plan and review them within our findings for other objections made to what appear in the proposal map for Nethy Bridge we are driven to some uncomfortable conclusions. In summary, our findings highlight in the particular context of Nethy Bridge what we regard as fundamental weaknesses in the approach generally adopted by CNPA to its Settlement Proposals as found in Section 7 of the finalised version of the local plan.

66.21 In short, there is an over reliance on land allocations inherited from extant adopted local plans without adequate consideration of whether these fit well with the aims of the Park as these are taken forward through the strategic objectives of the CNPP 2007. Related to that, there is no evidence of a proactive approach to land allocation and no explanation of why and how the proposed allocations will contribute to the creation and maintenance of a sustainable community. Insufficient attention is paid in the text to landscape, biodiversity or other matters integral to achieving the objectives of the CNPP 2007 which are fundamental to achieving the first, and predominant, aim of the Park. Nor is there adequate explanation of how settlement boundaries have been delineated such that they are sufficiently robust to endure into the medium term and provide some certainty about policy implementation while remaining defensible against extensions to accommodate proposed developments which would be unacceptable. Finally, there is no

1. CNPA analysis and comment

1.1 In considering the recommendations to ENV land in Nethy Bridge, CNPA has already set out its analysis and post inquiry modification to resolve the matter under Policy 36 and in the assessment of the conclusions made to the Introduction to Section 3 of this report.

1.2 In terms of a review of the ENV land, CNPA has set out, in its analysis under Aviemore ENV, that all land within and around settlements is to be reviewed as part of the ongoing work to prepare an Open Space Audit, and the preparation of an Open Space Strategy. CNPA repeats here that it does not consider it appropriate to review open space as a separate exercise to this work on the Audit. The Audit will inform supplementary guidance and will also be used to inform the Local Development Plan. If the audit reveals a need for amendments to the allocations before the production of the draft Local Development Plan, CNPA will bring forward supplementary guidance to reflect this.

1.3 The Reporters go on to review various pockets of land to assess their appropriateness as open space. In association with this the Reporters conclude that the settlement boundary should be redrawn to include Balnagowan Wood within the settlement envelope. CNPA agree that there is logic to this change as it clarifies exactly the role this land allocated as ENV plays.

2. CNPA Decision

2.1 CNPA do not accept the need for an additional policy to underpin the ENV designation, but do accept the need to clarify this allocation within the supporting text of Policy 36 'Other Open Space'.

2.2 Accept the need for a review of all ENV land but consider the most appropriate way of undertaking this is with the Open Space Audit which will be used to inform supplementary guidance and the future Local Development Plan.

3. Changes to plan needed to address decision

3.1 Change the boundary to include Balnagowan Wood in the settlement boundary

nor would it safeguard the sites and prevent development as the objectors might wish."

1.3 Removing the sites NB/H2 and NB/ED1 would not, as the Reporters point out, remove the benefit of permissions, and would not safeguard the sites from development. CNPA do not therefore consider it appropriate to remove these sites as allocations from the Local Plan. Further CNPA consider the removal of these sites would create confusion for the reader, and the local community. CNPA has previously committed to improving the clarity for the reader, and considers this recommendation to be a retrograde step.

1.4 The Reporters then look at a variety of sites which were suggested as additional or alternative sites for housing development. CNPA welcomes the Reporters conclusions that none are appropriate for development within the current plan period. CNPA has previously indicated that it did not consider there to be a need for additional land other than that identified in the Plan.

1.5 CNPA agree with the Reporters conclusions development on the many suggested alternative sites would lead to incremental incursion into open space within the village, and into the surrounding countryside which provides the village with its forest setting. Nethy Bridge experiences considerable pressure for new development and CNPA therefore agrees that a comprehensive review of opportunities that exist in the village with engagement of all stakeholders including the local community would be useful. CNPA has already given its commitment to similar exercises in Tomintoul and Braemar.

1.6 Until this occurs the Reporters conclude that there should be a moratorium extending for the life of the plan on all housing and economic development in Nethy Bridge, other than windfall sites, that already have detailed planning permission. In light of the CNPA analysis of the recommendations regarding H2 and ED1, CNPA cannot accept this recommendation. It can however agree that a community wide masterplan be developed to review the options for future growth in the village. This will then inform the Local Development Plan.

2. CNPA Decision

2.1 CNPA does not accept the recommendation to remove H2 and ED1 from the allocations for Nethy Bridge.

2.2 Accept the need to carry out a community wide masterplan which will be used to inform the Local Development Plan.

2.3 CNPA does not accept the moratorium on all development other than that with detailed planning permission.

2.4 CNPA does not accept a moratorium on all housing and employment development, other than windfall sites, that already have detailed planning permission.

3. Changes to plan needed to address decision

3.1 Amend text to clarify the need to carry out a community wide masterplan to assess the needs for growth within the village.

Issue	Nethy Bridge other development		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Steven Broadhurst	Objection refs	055
	David Dean		354
	Paul & Susan Culliford		355
	P Boyce Kenyon		373
	William G Templeton		407c
	William Stuart Paterson		409d/e
	Barbara Paterson		426

Extract from the Reports Report

Conclusions

67.10 When we review our findings as set out above, we are satisfied that the suite of policies set out in the finalised version of the emerging local plan can meet the concerns expressed about development within the settlement; that, as far as these objections are concerned the settlement boundaries are not fatally flawed; and that the policies set out in the finalised plan can meet the concerns expressed about development within the immediate vicinity of the settlement.

67.11 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

67.12 Accordingly, subject to our related findings elsewhere in this report, as far as these particular objections are concerned, we recommend no change to the Deposit Local Plan Modifications (1st and 2nd) October 2008.

1. CNPA analysis and comment

1.1 Looking at the recommendations made in regard to other developments in Nethy Bridge, CNPA welcome the conclusion that the Local Plan contains a suite of policies which are sufficient to ensure infill development will not alter irrevocably the ambience of the settlement.

1.2 In looking at the settlement boundary, the Reporters conclude that there is no need to further change the boundary and CNPA agree with this conclusion with the exception of the previous agreed change to Balnagowan Wood.

2. CNPA Decision

2.1 Accept the recommendation that no further change to the Deposit Plan as modified is required.

3. Changes to plan needed to address decision

3.1 None

Issue	Nethy Bridge tourism development		
Lead Reporter	Hugh M Begg		
Procedure	Hearing		
Objector	C P Group	Objection ref	459b

Extract from the Reports Report

Conclusions

68.8 *Drawing together these considerations, we are satisfied that there is no need, and it would be inappropriate, to identify any particular site near Blairgorm or anywhere else in the CNPLP for the purpose of tourism development.*

68.9 *We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.*

Recommendation

68.10 *Accordingly, we recommend no change to the Deposit Local Plan Modifications (1st and 2nd) October 2008 with regard to this objection.*

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to the allocation of land for tourism development, CNPA welcomes the conclusion that the Local Plan contains a suite of policies which are intended to set a framework for the consideration of proposals.

1.2 CNPA agree that this approach is an appropriate way of dealing with such developments. CNPA therefore agree that the allocation of land such as that sought by the objector would be inappropriate.

2. CNPA Decision

2.1 Agree with the recommendation that there is no need for further change to the Deposit Plan as modified.

3. Changes to plan needed to address decision

3.1 None

Nethy Bridge

Nethy Bridge is an intermediate settlement in the settlement hierarchy.

Proposals

NB/H1: This 0.47Ha site opposite the football pitch has detailed planning consent for 13 amenity dwellings. Part of this site lies within SEPA's indicative 1 in 200 year flood risk area. A detailed flood risk assessment will be required to accompany any further development proposal for this site.

NB/H2: These two sites have outline consent for a total of 40 dwellings. Development on these sites will retain enough woodland to allow for movement of species between areas of woodland to the sides of the sites, and retain the woodland setting of this part of the village. A small water course runs through the site and potential flood risk has not been adequately quantified. A flood risk assessment may be required in support of any further planning application or reserved matters.

NB/ED1: A .076Ha site adjacent to H2 is identified for business use. Any development of the site will need to take account of its site within the woodland and at an entry point to the village. Development on this site will retain enough woodland to allow for movement of species between areas of woodland to the sides of the sites, and to retain the woodland setting of this part of the village

NB/C1: This 1.09Ha site west of the playing fields which plays an important role in supporting the Abernethy Games is identified for community use and will be protected from development.

NB/Env: A number of open spaces within Nethy Bridge are identified as contributing to the setting of the village and will be protected from adverse development. Open space adjacent to the Mountview Hotel is also protected by means of a planning condition.

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

There is a need to review the level of development which is permitted in Nethy Bridge. To complete this work in a comprehensive way, and to allow full engagement of the local community, the National Park Authority will work with partners to produce a masterplan for the village. This will be drawn up in consultation with the community and key stakeholders.

Issue	Dinnet		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Serena Humphrey	Objection refs	066b
	Elizabeth Gillanders		343
	Pamela Thain & Scott Michie		360
	Mrs I & Mr J Crichton		362 & 363
	Mrs J & Mr Greenlaw		364 & 365
	Mr T Ross		375
	Dinnet & Kinord Estate		438a

Extract from the Reports Report

Recommendation

69.9 Accordingly, we recommend that Dinnet should be identified as a Rural Settlement in the adopted local plan, as described in the Deposit Local Plan Modifications (1st and 2nd) October 2008.

1. CNPA analysis and comment

1.1 In considering the recommendations made by the Reporters in regard to Dinnet, CNPA welcomes the agreement from the Reporters that the settlement should be identified as a rural settlement.

1.2 In looking at the boundary of the settlement, they find that although it is tightly drawn, there are brownfield opportunities for development. With this in mind they do not therefore consider it a failure that there are no allocations for development identified. CNPA agree that there are opportunities for development within the settlement and therefore agree with the analysis of the boundary.

2. CNPA Decision

2.1 Accept the recommendation that Dinnet should be taken forward into the adopted plan without further change.

3. Changes to plan needed to address decision

3.1 None

Dinnet

Dinnet is a rural settlement in the settlement hierarchy. It supports a range of businesses including a hotel, self-catering accommodation, a restaurant, an antique shop, the offices of Dinnet and Kinord Estate and a public hall

Dinnet commands an important location at one of the key entrances to the National Park. The local economy is largely land based, but there are opportunities to enhance tourism and recreation facilities, and consolidate the settlement, providing additional housing to secure a sustainable community.

For all Rural Settlements mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Issue	Settlement omissions		
Lead Reporter	Hugh M Begg		
Procedure	Written submissions		
Objectors	Mr & Mrs J Sunley	Objection refs	056b
	Aviemore & Vicinity Community Council		416p
	Glenmore Properties Ltd		453r

Extract from the Reports Report

Conclusions

70.10 When we review our reasoning in the above paragraphs we conclude that: there are serious flaws in the identification of the settlement hierarchy which become acute when we assess what is apparently intended by the identification of its third tier. We do not find the third tier redundant but we suggest the flaws which we have identified should be remedied as this local plan is progressed to the Local Development Plan.

70.11 We find no reason to oppose the addition of Bellabeg, Insh and Dinnet as Rural Settlements for the purposes of this local plan but we cannot agree that the Glenmore corridor, Crathie or Balmenach should be similarly defined. None of this precludes development at these locations, or the possibility that the listing will be revisited for the purposes of the forthcoming Local Development Plan.

70.12 We have considered all of the other matters that have been drawn to our attention but find none of such weight that it alters our reasoning or conclusions.

Recommendation

70.13 Accordingly, subject to addressing the above reservations, we recommend that the Rural Settlements and their associated text as set out in the Deposit Local Plan Modifications (1st and 2nd) October 2008 should be taken forward into the adopted local plan.

Additional Suggestions/Reservations to be addressed

70.3 ... there is no justification for the identification of the particular tiers, nor explanation of how the settlements at each level in the hierarchy fit into the overall vision for the Park. These flaws are not fatal to the adoption of this local plan but we suggest strongly that they should be remedied as the plan is progressed to the Local Development Plan.

70.4 ... the third tier of the settlement hierarchy requires to be revisited in order that its place in achieving the vision of the CNPLP is made absolutely clear.

1. CNPA analysis and comment

1.1 In assessing the recommendations made by the Reporters in regard to settlement omissions, CNPA has set out in its analysis and decision on the matter of the settlement hierarchy elsewhere in this report, mainly in the General Housing Land Supply section.

1.2 In looking specifically at rural settlements, the Reporters find it confusing the clarify the difference between rural settlements and rural building groups as covered under Policy 23. They conclude that none of the locations raised by the objectors should be included as rural settlements, which CNPA welcomes. However they do highlight that further work is required to review the use of the settlement hierarchy, and CNPA has accepted this work is required as part of the preparation for the Local Development Plan.

2. CNPA Decision

2.1 Accept the recommendation to take forward the rural settlements identified in the Deposit Local Plan as modified into the adopted Local Plan.

3. Changes to plan needed to address decision

3.1 None

Dalwhinnie

Dalwhinnie is a rural settlement in the settlement hierarchy.

Proposals

DW/H1: text unchanged

DW/~~H3~~ H2: text unchanged

DW/~~H4~~ H3: text unchanged

DW/ED1: text unchanged

DW/ED2: The Loch Ericht Hotel provides an important tourist and community opportunity and appropriate proposals to enhance this will be supported. Part of this site lies within SEPA's indicative I in 200 year flood risk area. A detailed flood risk assessment may be required to accompany any further development proposal for this site.

DW/ED3: The distillery provides an important economic and tourist provision within the settlement and proposals to enhance this facility will be supported. Part of this site lies within SEPA's indicative I in 200 year flood risk area. A detailed flood risk assessment may be required to accompany any further development proposal for this site.

DW/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Tomintoul

Ti

Tomintoul is a rural settlement in the settlement hierarchy. It is situated within the Crown Estate's Glenlivet Estate and most land in the area is under the Crown Estate's stewardship. ~~It~~ There is an aspiration of the Crown Estate to develop Tomintoul into a larger and more sustainable community with improved facilities and housing provision. To take this forward the ~~Crown Estate intend to~~ National Park Authority will work with partners to produce ~~complete~~ a masterplan for the village, in consultation with the community and key stakeholders, ~~and the National Park Authority is supportive of this approach to planned medium and long term growth.~~

Proposals

T/H1, H2, H3, H4: Four housing land sites that provide land for around 40 dwellings in total. It is expected that these will provide land for Tomintoul's needs during the lifetime of the Local Plan in line with table 4, and for future growth and expansion. During the period 2006-2011, 12 dwellings would therefore be expected, although the phasing of development may occur at different speeds, dependent on market conditions, demand and developer aspirations.

T/ED1: text unchanged

T/ED2 and ED3: text unchanged

T/ED4: text unchanged

T/C1: text unchanged

T/Env: text unchanged

Mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward proposals.

Appendix 5- Glossary

Name or Word	Description
Ancient Woodland	Woodland that is recorded on the inventory of ancient and long established semi natural woodland held by SNH, and has been established for many hundreds of years.
Ancient Woodland Inventory	An Inventory of woodland sites that are thought to have been (AWI) continuously wooded since 1750 or 1860.
Article 4 Directions	An Article 4 Direction can be sought by a planning authority in circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened by development that would normally not require planning permission.
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, infill sites, land occupied by redundant or unused buildings, and developed land within the settlement boundary where further intensification of use is considered acceptable.
Development	The carrying out of building, engineering, mining or other operations, in, on, over or under land, or the making of any material change in the use of any building or other land.
Development Brief	A document prepared to show in some detail, how best to develop a site, and can include details of access and other infrastructure, sub division of larger sites, proposed stages of development, design proposals.
EIA	Environmental Impact Assessment. A process by which information about the effects of a proposed development is collected, assessed and used in reaching a decision on whether development should go ahead or not.
European Charter for Sustainable Tourism in Protected Areas	A charter that was developed by the EUROPARC Federation of protected areas. The Cairngorms National Park was the first UK National Park to achieve the charter.
European Protected Species	Species listed on Annex IV of the Habitats Directive as species of European Community Interest and in need of strict protection.
Gardens and Designed Landscapes	Significant historic gardens and designed landscapes identified by Historic Scotland for their natural heritage and cultural importance. Inclusion in the Inventory confers a measure of statutory planning control in relation to the sites concerned and their setting.
Geological Conservation Review	The GCR identifies those sites of national and international importance needed to show all the key scientific elements of the Earth heritage of Britain. The sites identified form the basis of statutory geological and geomorphological conservation in Britain.

Historic Environment Record (HERs).	Dataset maintaining records of monuments, heritage sites, events and archives which can be used to give a comprehensive historic record.
Historic Scotland	Historic Scotland safeguards the nation's built heritage and promotes its understanding and enjoyment on behalf of Scottish Ministers.
Housing Association	A non-profit making organisation committed to meeting specific housing needs.
Housing Market Area	A geographical area which is relatively self-contained in terms of housing demand; ie a large percentage of people moving house or settling in the area will have sought a dwelling only in that area.
Listed Buildings	Buildings are 'Listed' because they are considered to be of special architectural or historic interest and as a result require special protection.
National Nature Reserves (NNRs)	NNRs contain examples of some of the most important natural and semi-natural eco-systems in the United Kingdom. They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats' communities and species represented within them. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife & Countryside Act 1981.
National Parks	The National Parks (Scotland) Act 2000 enables the establishment of National Parks in Scotland.
National Planning Policy Guidance (NPPG)	See Scottish Planning Policy (SPP)
National Scenic Area	Areas of land designated as being of national significance on the basis of their outstanding scenic interest which must be conserved as part of the country's natural heritage.
Natura 2000	Natura 2000 is the name of the European Union-wide network of nature conservation sites established under the EC Habitats Directive. This network will comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).
NEST	North East Scotland Together – The Aberdeen & Aberdeenshire Structure Plan 2001-2016
Open Market Housing	Housing which is bought and sold on the open market.
Open Space	Greenspace consisting of any vegetated land or structure, water or geological feature in an urban area and civic space consisting of squares, market places, playgrounds and other paved or hard landscaped areas with a civic function.
Planning Advice Notes (PANs)	Planning Advice Notes are the Scottish Government's publications on best practice and other relevant planning information.

Population Equivalent	A measure of the organic biodegradable load of an effluent prior to treatment. One population equivalent (Ipe) has a five-day biochemical oxygen demand (BOD5) of 60 grams of oxygen per day (as defined by SEPA)
Public Subsidy for Housing	Money from the public purse in the form of subsidy schemes (eg housing association grants) which is made available to help provide affordable housing.
Ramsar Convention Site	A designation of globally important wetland areas that are classified to meet the UK's commitments under the Ramsar Convention.
Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS)	The Royal Commission on the Ancient and Historical Monuments of Scotland is responsible for recording, interpreting and collecting information about the built environment.
RSLs	Registered Social Landlords.
Rural Brownfield	Sites that have previously been used. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.
Scheduled Ancient Monument Record (SMR)	A record of scheduled monuments which are considered to be of national importance that Scottish Ministers have given legal protection under the Ancient Monuments and Archaeological Areas Act 1979.
Scotland Ancient Woodland Inventory	A more sophisticated classification of the Inventories of Ancient, Long established and Semi-natural woodlands developed for woodlands in Scotland. For Scottish woods, the category Ancient comprises woods recorded as being of semi-natural origin on EITHER the 1750 Roy maps OR the 1st Edition Ordnance Survey maps of 1860. This is due a) to the likelihood of the latter having been omitted from the Roy maps and b) to render the Scottish classification compatible with that for England and Wales.
Scotland Semi-Natural Woodland Inventory	This dataset contains information gathered by remote means using 1970s sources (maps, aerial photos) about the woodland cover present on Ancient and Long Established Woodland Inventory sites. It does not contain information about woods not on the Inventory.
Scottish Natural Heritage (SNH)	The public body with a remit to secure the conservation and enhancement of Scotland's unique and precious natural heritage, ie wildlife, habitats, geology and landscapes.
Scottish Planning Policy (SPP)	Scottish Planning Policies (SPPs) provide statements of Scottish Government policy on nationally important land use and other planning matters, supported where appropriate by a locational framework. SPPs are replacing National Planning Policy Guidance (NPPGs). Some NPPGs are used as SPP until they are replaced by a new SPP.

Scottish Water	Scottish Water is a publicly owned business, answerable to the Scottish Parliament, that provides water and wastewater services in Scotland.
Scottish Environment Protection Agency (SEPA)	The public body with a remit for environmental protection.
Section 75 agreement	Legal agreement regulating the future use of land, recorded in the Land Register and legally binding on future owners of the land.
Sites of Special Scientific Interest (SSSI)	The SSSI/ASSI series has been developed over the last 50 years as the national suite of sites providing statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features. These sites are also used to underpin other national and international nature conservation designations.
Special Areas of Conservation (SAC)	SACs are designated by the UK Government to meet its obligations under the EC Habitats Directive. They are areas that have been identified as best representing the range and variety within the European Union of habitats and (non-bird) species listed in Annexes I and II to the Directive.
Special Protection Areas (SPA)	SPAs are classified by the UK Government to meet its obligations under the EC Birds Directive. These are areas of the most important habitat for rare (listed in Annex I to the Directive) and migratory birds within the European Union. SPAs are classified under the Wildlife and Countryside Act 1981. SPAs, together with SACs, form the Natura 2000 network.
Strategic Environmental Assessment (SEA)	SEA is a process to ensure that significant environmental effects arising from policies, plans and programmes are identified, assessed, mitigated, communicated to decision-makers, monitored and that opportunities for public involvement are provided.
Sustainable	A way of living and working which uses and manages environmental, social and economic resources in such a way that future generations will also be able to enjoy them.
Sustainable Communities	A population level and mix that meets the current and future needs of its communities and businesses, focused around settlements where services, networks, expertise and experience support the population.
Sustainable Development	Development which uses the resources and special qualities of the National Park in such a way that they are used and enjoyed by current generations and that future generations can continue to use and enjoy them.
Tree Preservation Order (TPO)	A TPO is made by the local planning authority (usually a local council) to protect specific trees or particular woodland from deliberate damage and destruction.
Viability	a measure of a town centres capacity to attract ongoing investment, for maintenance, improvement and adaption to changing needs
Vitality	a measure of how lively and busy a town centre is.

Water Environment	The water quality, quantity, hydrology, hydromorphology and aquatic ecology of water bodies, river systems, wetlands and groundwater.
Water Environment and Water Services (Scotland) Act 2003	The Act of the Scottish Parliament that introduces the EC Water Framework Directive into Scottish law.
Windfall sites	Sites which become available for development unexpectedly and are therefore not included as allocated land in the local plan.

SECTION 2

POST INQUIRY MODIFICATIONS TO CAIRNGORMS NATIONAL PARK LOCAL PLAN PROPOSALS MAPS AND DESIGNATION MAPS

Aviemore



Ballater



Grantown-on-Spey



Boat of Garten



Carr-Bridge



Cromdale



Dalwhinnie

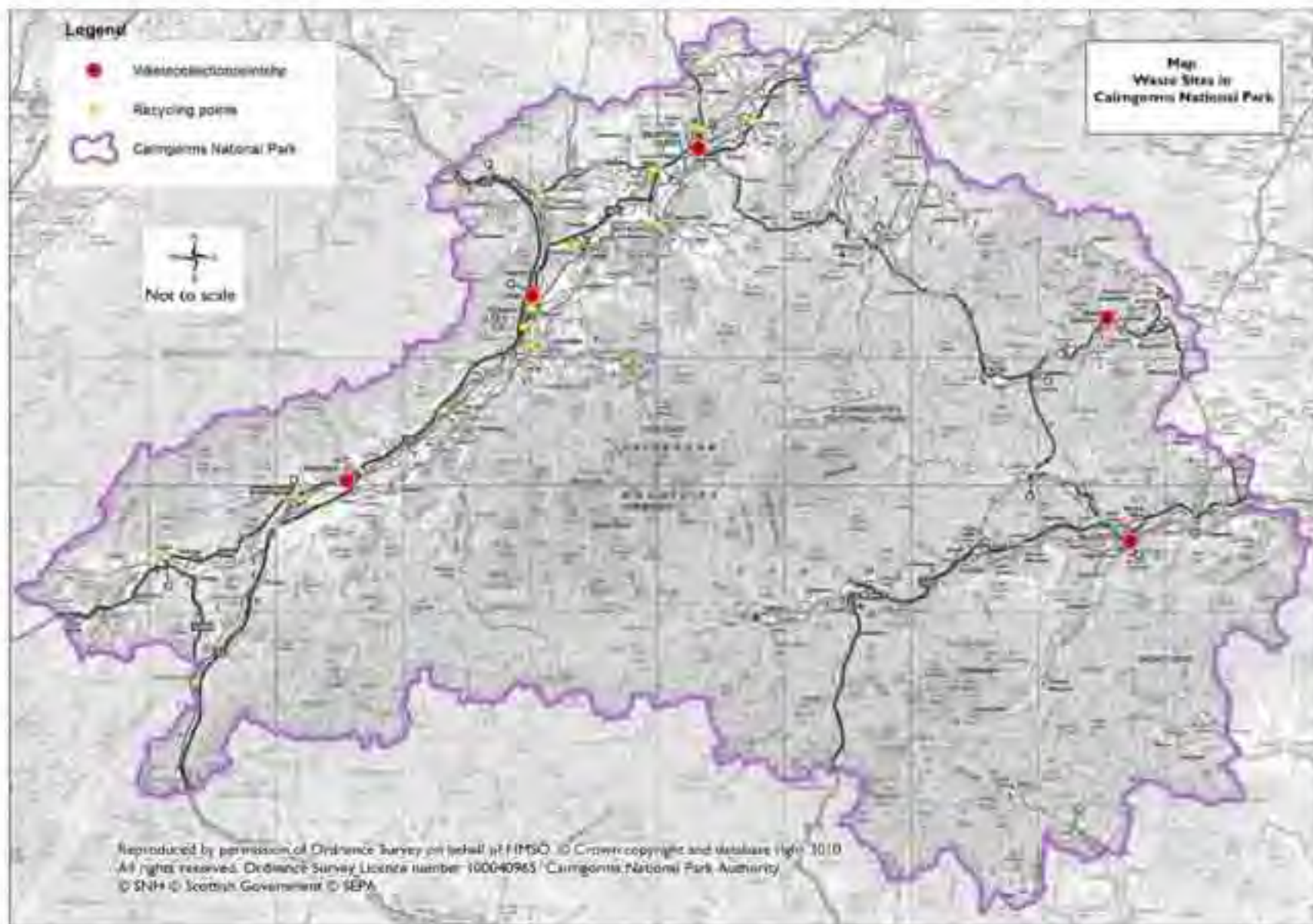


Kincraig



Nethy Bridge





Section 3

Correspondence received regarding the Reporters Report and Recommendations

Subject: FW: Grantown-on-Spey GS/ H1

From: Andrew Norval
Sent: 25 February 2010 10:23
To: Don McKee
Subject: Grantown-on-Spey GS/ H1

Dear Don

At our recent meeting you advised that you would be reviewing each of the Reporters' recommendations with a view to preparing a report to your board in May. With this in mind we have provided Davall Developments with a summary of information on the paper management we have been promoting in Strathspey which will assist in putting the effect of the proposed zoning at Boat of Garten into context, as discussed.

We have also obtained information on H1 at Grantown from Muir Homes in response to some of the Reporter's comments. This is as follows:-

52.4 Reporter recognises G on S is focal point for growth.

52.5 An assessment of need including affordable housing need requires to be carried out by CNPA as does a vision statement but the lack of these studies does not prove a lack of need and certainly doesn't mean the site should be de-zoned; surely the action required is to have the studies done to prove what need there is.

Marketing enquiries from property surveyors acting for the developer suggest a build & occupation rate of between 5 & 10 years for the entire site and a good demand for smaller, more affordable properties for locals. These views are backed up by those involved in social housing provision.

52.6 & 52.7 These concerns can be addressed through discussion with a developer.

52.8 The developer has been in dialogue with CNPA for years regarding their layout and have not been steered away from this area.

52.11 Examination of the developer's current layout would illustrate that the caravan site can be adequately screened, the developed land is much reduced due to the 1 in 200 year flood extent, this reduces "costly engineering constraints". The feasibility results in a lower than normal price per acre but the project is still viable at a land price well above agricultural values and this feasibility includes 25% affordable housing funded in the normal way.

52.12 & 13 The developer has further studies that establish the 1 in 200 year flood line and a proposal that keeps development out of the flood zone. They are confident agreement with SEPA can be achieved.

52.14 The flood risk can be finalised & agreed, however it is a valid point that the current weakness in the market may render the site ineffective in the short term but more because funding for developments with large start-up costs is difficult to obtain at present. It is questionable that the current credit crunch should force the redesign of the long term planning of Grantown on Spey.

52.15 The flooding can be addressed quickly, the housing need is a matter for the relevant authorities but presumably the local RSL's and the Scottish Government will already have housing need info, waiting lists, etc. A study could be produced timely. In the case of Muir Homes, it is not the applicant's fault that this needs study and indeed any development brief/masterplan was not carried out by the council/CNPA. Phasing plans and planner's expectations have been discussed during several meetings with CNPA guiding & shaping their application.

52.16 The developer has a proposed flood solution and a proposed habitat mitigation solution.

52.17 The developer has now reduced the number of units due to the extent of 1 in 200 year flood line.

52.18. 19&20 The developer's latest modification increases the central amenity area considerably.

52.22 The site investigation and environmental report showed the central area is best avoided.

52.23 Housing need commented on above.

I hope this is helpful and if you require any other information please let me know

Regards

Andrew

--

This message has been scanned for viruses and dangerous content.

Subject: FW: Website (www.cairngorms.co.uk) Contact Form

-----Original Message-----

From: automailer@cairngorms.co.uk [mailto:automailer@cairngorms.co.uk]

Sent: 17 January 2010 16:46

To: Mail Manager

Subject: Website (www.cairngorms.co.uk) Contact Form

From: Mr Alex Murray ()

I wish to record my concerns in respect of the Scottish Government planning reporters findings on the Cairngorms National Park Local Plan. Their criticism of the CNPA's approach to establishing how much housing land should be allocated, the lack of settlement specific assessment of need including affordable housing need and the lack of a clear vision statement for each settlement are described as major shortcomings. The terms used are extremely strong condemnation of the CNPLP and reflect poorly on the contributors and management who are responsible for publishing the plan.

I trust that in view of these and other criticisms in the report their recommendation that housing site GS/NI should be deleted from the proposals map.

Alex Murray

2 Gordon Hall Apartments

Seafield Avenue

Grantown-on-Spey

PH26 3JF

Cairngorms National Park Authority

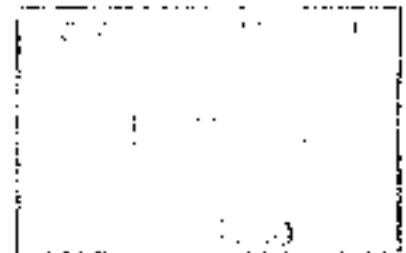
The information contained in this e-mail is confidential and intended for the exclusive use of the individual(s) or organisation specified above. Any unauthorised dissemination or copying of this e-mail, or mis-use or wrongful disclosure of information contained in it, is strictly prohibited and may be illegal. Please notify the sender by return e-mail should you have received this e-mail in error.

Virus Warning: Although this email and any attachments are believed to be free from viruses, it is the responsibility of the recipient to ensure that they are virus free. No responsibility is accepted by the Cairngorms National Park Authority for any loss or damage arising in any way from their receipt or opening.

Spam. This e-mail has been scanned for Spam. However if you feel that this is Spam please forward this to spammanager@cairngorms.co.uk

PITAGOWN HOUSE,
NEWTONMORE,
INVERNESS-SHIRE,
PH20 1BS

Tel: [REDACTED]
e-mail: [REDACTED]



Don McKee,
Head of Planning,
CNPFA,
Albert Memorial Hall,
Station Square,
Ballater,
Aberdeenshire, AB35 5QB

January 4th 2010

Dear Mr McKee,

Cairngorms National Park Local Plan Public Inquiry Report.

Thank you for your letter of December 9th 2009 telling me where I could see this Report. I did not read every word of the 338 pages, but certainly most of it, and found it both clear and interesting – as was evident at the Inquiry sessions I attended, Mrs Moody in particular is marvellous at cutting straight to the heart of the matter and stating it clearly and succinctly, and this is reflected in this Report.

On several occasions the Reporters mention the 'final' Local Plan, presumably that they had before them, so I looked on your website to see if it was any different from Modifications 1 & 2 that I have. All I could find mentioned was one with the two Modifications together, which, with the exception of one or two corrected spelling mistakes (oops! sorry! 'typing errors') is exactly the same as those I have. Was there another 'final' version before the Inquiry?

I await the result of the Park's February Board Meeting and their response to the Reporters recommendations, with interest. In the meantime, I wish you all a happy, and not too fraught, 2010, as you try to incorporate their recommendations!

Yours sincerely,

[REDACTED]

DFS, MM

28th December 2009

2.3. p. 100 n. 1
c. 1110

Mr Don McKee
Director of Planning and Development Management
Cairngorm National Park Authority
Ground Floor
Albert Memorial Hall
Bailster
AB32 5QB

Dear Mr McKee,

Cairngorms National Park Local Plan
Report by Reporters on PL1
Housing and Supply and specific allocations H1 at Carrbridge and H2 at Nethybridge

I refer to the Reporters' Report published on the CNPA website on 16th December 2009 which makes recommendations on the local plan policies and land allocations. I am particularly writing in the context of the General Housing Land Supply and specific proposed allocations at Carrbridge and Nethybridge -- both of which have extant outline planning permissions for housing development and also are the subject of submitted reserved matters applications.

Tulloch Homes Ltd, and associated companies, has land ownership of both these sites which were purchased on the basis of the relevant outline planning permissions of which you are aware. The company have therefore a very direct interest in ensuring that the outline permissions are properly recognised and fully taken into account in the development planning process as well as in reaching a decision on reserved matters in due course.

In the first instance, and on initial reading of the Report, it is considered that the Reporters have reached a firm and in our view an extreme position: in their assessment of the CNPA proposals for the General Housing Land Supply. In our opinion, the very restricted approach that appears to be suggested will severely limit the housing options in the Park Area and the housing opportunities for local people. We also consider that the Reporters appear to have interpreted the four aims of the Park in a very rigid manner. They appear to place considerable emphasis on the first aim as a justification for deleting certain sites without the full knowledge of the background. They themselves acknowledge in Para 1.5 that Section 9 of the National Parks (Scotland) Act 2000 is to ensure that the National Park aims are collectively achieved in a co-ordinated way. We are not clear that in some of their conclusions the Reporters themselves have applied that test adequately. Sustaining the area's economic and social development is vital, if the communities involved are to maintain and develop community and other services.

In relation to the H1 Site at Carrbridge, in our view the Reporters have made an unwarranted assumption that the conditions and reserved matters are unlikely to be resolved and they have given insufficient weight to the existence of the outline permission. It is possible that they have not fully informed themselves of the details of the reserved matters proposals and related background information. Their recommendation to only develop the northern field (the BB site) makes no recognition for example of the access and other issues on Carr Road which played a prominent part in the outline permission determination. Also a deletion, as they suggest, of the southern phase beside the main road, largely on landscape grounds, makes no recognition of the hard woodland edge on the southern entrance to the village which will be untouched. Tulloch Homes Ltd intends to continue to resolve the outline permission in an appropriate and sensitive manner in cooperation with the Park Authority.

In relation to Nethybridge, owned by Inverburn Limited, again there is an extant outline permission which has been followed very closely in the submission of the subsequent reserved matters. There was also extensive negotiation undertaken by the owners of the time with Highland Council to set in place a legal agreement which *inter alia* provides for affordable housing provision and marketing to local people. Were the Reporters aware of this background? In this case we believe that the Reporters were not entitled to reach the view they did i.e. to embargo all further housing development for the plan period and not to allocate sites H2 which are the subject of the outline permission. The company intend similarly to follow through with the outline proposals.

Given the extensive scope of the Local Plan Public Inquiry and the subsequent Report, we will continue to study this and take further qualified advice and will revert to you in due course.

We would however be grateful if you would keep us fully informed of the Park Authority's progress in assessing the Reporters' recommendations and keep us advised of the timescales of further procedures.

Please be aware that we have a very serious concern in these matters and urge the Authority to respect long standing land allocations as well as the extant permissions involved. We fully support and endorse the inclusion of these sites in the Park Local Plan which properly recognised the background to these sites and which we believe can be developed sensitively within the aims of the CNPA.

Yours sincerely



David Sutherland

CC: David Green, Chairman, CNPA
Jane Hope, Chief Executive, CNPA

THE DUL IG

7 February 2010

Mr Don McKee
Head of Planning
CNPA
Ground Floor
Albert Memorial Hall
Ballater
AB35 5QB



Dear Mr McKee

CNPA LOCAL PLAN INQUIRY REPORT (DEC 2009) – CONCERNS

I understand that CNPA intends to formally consider the Reporter's Inquiry Report during February. I also appreciate that you and your colleagues will have much to do to consider all the recommendations the Reporters have made and would possibly not at this time appreciate any comments from members of the public on specific matters. However having read sections of the report which affect me in Grantown-on-Spey (in particular Section 52 - Grantown on Spey housing allocations GS/H1 & GS/H2), I am very concerned about the conclusions the Reporters have made and the way they have interpreted the evidence - or lack of evidence - to arrive at their conclusions. I will go as far to say that I believe that the Reporters' conclusions in Section 52 are unsound.

My wife and I have been residents of Grantown-on-Spey since November 2007. We have retired early from our previous careers and started a 5 Star B&B at our home, The Dulaig. In my previous career as Head of RAF Systems Environmental (a contaminated land consultancy and remediation contracting business) I managed major developments throughout the UK including, for example, the remediation and redevelopment of a brown field site of some 2,500 houses. I have a good working knowledge of the planning process and the role of local plans. I was present at the Inquiry session on Grantown-on-Spey housing allocation last May.

Given this background, I was amazed at the Inquiry Report section on Grantown-on-Spey housing allocations GS/H1 & GS/H2. In my view many of the Reporter's conclusions were erroneous, their arguments either severely flawed or lacking the evidence to back up many of their conclusions. I understand that CNPA does not have to accept any of the Reporters' recommendations, although I appreciate the pressure you will be under in rejecting any of the recommendations. Nevertheless my concerns with the lack of quality thinking in this section 52 of the Inquiry Report are so deep that in my mind it brings into question the competence of the Reporters. If Section 52 is representative of the standard of the rest of the Inquiry Report the validity the whole Report must be questionable.

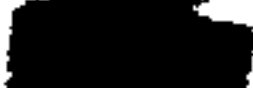
I appreciate that after considering all the recommendations in the Inquiry Report you will probably be issuing an updated version of the draft local plan. I request that assurances are

[REDACTED]

given that CNPA will go out to full consultation on at least those parts of the plan which are materially changed to enable the general public and others affected by changes in the draft local plan to have their say. In particular, if CNPA accepts the main recommendations that the Reporters make in Section 52 of their report, the part of the next version of local plan covering Grantown-on-Spey housing allocation will be radically different from the existing adopted local plan, the deposit local plan or any of the published amendments made by CNPA to date. I believe that it would be essential that a full consultation exercise was carried out if CNPA decides to accept the Reporters' main conclusions in section 52 of their report.

My comments on Section 52 of the Inquiry Report are attached as an annex to this letter. I am happy to discuss or clarify any of the matters I raise.

Yours sincerely,



Dr Gordon Bulloch

My Comments on Section 52 of the Inquiry Report

I have limited my comments here to what the Reporters have said and not to any other matters of concern within the draft local plan.

52.1 No comment

52.2 No comment

52.3 No comment

52.4 Strategic objective (b) assumes that Grantown-on-Spey has the range of services and infrastructure which can accommodate growth in a sustainable way. Although evidence was available that some key infrastructure in Grantown has little or no stretch capacity (e.g. both primary and secondary schools), the Reporters do not seem to have acknowledged this or commented that unless action is taken, population growth in Grantown will be limited.

52.5¹₂ I agree with the Reporters comments that there is a lack of settlement specific assessment of need in the local plan and lack of words to describe the vision of how Grantown should develop in the future. I would go further and say that there is a presumption of growth (based on historical growth?) that also needs to be challenged. I have no problem with making contingency provision for growth in Grantown within the local plan, but that provision should not become an assumption that growth is necessary or that it will happen.

52.6 The reporters make much of the apparent housing density variations between the adopted local plan and the deposit local plan. The whole discussion on housing densities is so covered in errors that the conclusions reached are meaningless. For example, concerning the proposed development between Beachen Court and Seafield Avenue they comment on development areas, number of houses and housing density variations between the adopted plan and the deposit plan. The table summarises the figure used:

	Stated area Hectares	No. of Houses	Calculated density Houses/hectare	Apparent % increase in density
Adopted local plan	6	30	5	
Deposit local plan	3.25	50	15.4	>300%*

* Incredibly the Reporters state an increased density of 60% using these figures

A glance at any of the local plan land use maps show that the 6 hectares of land between Beachen Court and Seafield Avenue described in the adopted plan is probably the gross (currently undeveloped) area between these two roads, whereas the 3.25 hectares of GS/H2 area is probably the net developable area. I appreciate that the local plans should have defined the areas quoted, but the Reporters should have understood the differences and not made this fundamental mistake.

I suspect that there are similar differences in defining development areas in the GS/H1 area leading to analogous errors by the Reporters.

If the Reporters can get details like these so wrong, what confidence can we have in the rest of what they say?

- 52.7 No comment apart from agreeing with the Reporters that a transparent and consistent use of the ENV designation would be helpful.
- 52.8 It is difficult to comment on the Reporters' remarks about the proposed reduction in development land in the NE of GS/H1 resulting in marginalisation of the remaining development land as no plans are available to show what area of land has been 'removed'. However the Reporters comments in point 2 of this paragraph that it is unlikely to be acceptable to form an access road across the fragile space in this area due to biodiversity reasons is inconsistent with their comments in 52.22 where they question why the indicated route of an access road to GS/H2 from Seaford Avenue which was in the adopted plan does not appear in the latest draft of the local plan. It is relatively clear that this possible access road to GS/H2 would similarly have to cross an environmentally sensitive area.
- 52.9 No comment
- 52.10 No comment
- 52.11 Again there is another Reporter error. The latest planning application (which would have been available to the Reporters) covered the erection of 193 homes – not the 235 homes quoted. The feeling I got from the inquiry hearing was that CNPA recognised that the number of homes GS/H1 would support is much less than 193. It would have been more constructive if the Reporters had recognised this in their report.

The Reporters have speculated on the development costs for the GS/H1 site. They have not provided any figures to back up their claim. I am unsure what costly engineering works they envisage to be necessary on the site. From my experience in site development all development sites have site engineering costs. From all the evidence that has been made public, this site is not unusual. The Reporters' speculation leads to them to state that they believe that there will be no value left for developers to contribute to affordable housing. Most of their arguments could be applied to costs of developing GS/H2, but these issues were improperly ignored by the Reporters in their discussion on GS/H2.

- 52.12 & 52.13 Great emphasis was put on the flood risk in GS/H1 at the Inquiry hearing. I appreciate that further work needs to be done to better evaluate this risk (e.g. the inclusion of the impact of groundwater in the area), but I believe that the Reporters have attached far too much credence to the objectors' reports of flood risk on GS/H1 which seem to be based on verbal reports of 'flooding and certain views provided by their own expert. The WYG hydrological report submitted as part of the Muir Homes planning application (which ignored the potential added impact of

groundwater) does admit that there is a finite flood risk, but the report does provide recommendations for certain relatively inexpensive engineering works to reduce the flood risk. It is very likely that the outcome of a more detailed hydrological/hydrogeological investigation will be to recommend further works to reduce flood risk to an acceptable level, as well as possible further restrictions on the development footprint. Even the Reporters admit that it is unlikely that the whole of the proposed development is adversely affected by flooding.

Much of the proposed development adjoins existing housing development (e.g. Seafie.d Court and Mossie Road) and is at similar levels or higher than this existing housing. The WYG report shows that a number of these existing homes which adjoin GS/H1 are already at risk from flooding. It is very likely that if a housing development were to proceed on GS/H1 that the associated measures taken to reduce flood risk will actually reduce the flood risk for these existing homes. This potential benefit seems to have been overlooked.

I believe the flood risk issue has been seriously over exaggerated. From my own experience I know that relatively inexpensive solutions can be utilised, in conjunction with reducing the housing footprint to avoid the higher risk areas. The fact that this potential flood risk seems to have been ignored up till now by CNPA should not be a reason for excluding GS/H1 from the local plan, even after taking account of the guidance in SPP7. Instead the way forward should be to propose a smaller number of houses in GS/H1, state the potential constraints on the site that a developer will need to take account of and leave the final positioning of the housing to be controlled and approved through the planning application and consent process.

52.14 – 52.16 The guidance in SPP3 appears to have been interpreted in a way to justify removal of GS/H1 from the local plan rather than as a measure to test the viability of the proposed development. Using the parts of SPP3 that the Reporters highlight:

- No evidence has been presented that flood risks would preclude development, only possibly constrain it.
- The plan period is 5-10 years. I agree that the housing market is currently at a relatively low ebb, but even since the report was written there are already signs of an upturn in the housing market. Assuming there is a market for housing in Grantlowr over the plan period, and assuming that at least part of GS/H1 is included in the local plan, I am sure that developers will be interested in defining and removing the current development constraints in GS/H1. The Reporters comments are, in my view, remarkably short-sighted.
- Remediation is a reference to cleaning up contamination or improving ground conditions. There is no evidence of a need to do much work on either, assuming development is restricted to those (substantial) parts of the area least impacted by flooding and the introduction of some flood risk reduction engineering work.

The Reporters should have concluded that at least part of GS/H1 would provide an effective site for housing during the plan period. Instead they state 'we consider that

GS/H1 is not effective meantime and should not be allocated in the plan'. What a ludicrous statement! Much of the housing development land across the country has recently not been viable due to the national economic downturn. Additionally most development sites have significant physical and/or environmental constraints. Temporary economic issues should not be reasons for excluding sites from local plans.

The conclusion that the Reporters should have come to is that the size of the development allocation proposed in the local plan should be reduced as a precautionary measure (say to 40% of proposed levels) until the extent of the flood risk constraint has been determined. Clearly the text in the local plan describing the development area would need to be changed, however GS/H1 could easily be retained in the local plan to enable say 80-90 houses to be included – if such growth in Grantown over the plan period can be justified.

52.17 No comment

52.18 From this point onwards in section 52 of the Inquiry Report the logic behind the Reporters' conclusions changes quite radically. The Reporters argued that the constraining issues in GS/H1 needed to be better defined before they could recommend including this site in the local plan, however in GS/H2 they use the lack of knowledge about potential constraining issues as a reason for including GS/H2 in the local plan. This is illogical.

The Reporters must be aware that activity on objections to development increases when affected persons become aware that a planning application for development is imminent – thus the many objections raised over the planning application for GS/H1. GS/H2 was in most people's perception many years away and so there has been little objection activity. If a planning application was to be submitted for GS/H2, I am sure that CNPA would find many strong objections being raised by a wide cross-section of residents on the W side of Grantown. Additionally, other site constraint issues will surface and will need to be quantified.

52.19 There are numerous unsupported statements made by the Reporters in this paragraph concerning GS/H2. Their comments look like 'instant master-planning' without any of the necessary consultation which should be completed before arriving at these conclusions.

I believe that a full consultation exercise would find that GS/H2 provides very valuable informal amenity space to a significant part of Grantown which is within a few minutes walk of the area. I believe GS/H2 is used by more people in Grantown than all of GS/H1. GS/H1 provides informal amenity space to only parts of the NW of Grantown, whereas GS/H2 provides amenity value to a relatively high density area of housing in the W of Grantown. If the Reporters had conducted a thorough site visit, they would have seen that although the SW part of GS/H1 is relatively close to GS/H2, means of reaching and crossing Seafeld Avenue are difficult. For people living on the W of Grantown to access GS/H1 requires a long walk round by


the roads nearer to the town centre or walking round via the caravan park. Thus GS/H1 is not an appropriate substitute for the loss of GS/H2 as amenity space.

52.20 The apparent "higher density" argument presented by the Reporters is, as discussed earlier (see my comments at 52.6), totally flawed. The whole reasoning for recommending that the size of GS/H2 be extended to land around Revdan to match with the existing adopted plan is based on the premise that GS/H1 is removed from the local plan. From my arguments presented above, removal of GS/H1 has not been justified by the Reporters.

52.21 & 52.22 The Reporters state that a threat to the effectiveness of GS/H2 is lack of a road access strategy to GS/H2. The Reporters commented in 52.8 on the problems with the access road crossing an area of biodiversity, however an access road from Seaford Avenue along the E side of Revdan also crosses an area of environmental sensitivity as well as needing to cross the Kylindra Burn flood plain. Using the logic the Reporters adopted in assessing GS/H1 this would be a major site constraint and one that would need to be resolved before GS/H2 was allocated in the local plan – because without an effective access road there is no development.

52.23 - 52.34 The Reporters conjecture about the amount of housing land that Grantown needs in the local plan, but they do not provide any evidence to back up their views. This is ironic when they have criticised CNPA for not producing evidence to support the amount of land allocated for housing development in the deposit plan. Their conclusion that GS/H2 only should be allocated in the local plan, but using the larger area shown in the adopted plan is in my view unsupported by any evidence or any reasonable argument.

It appears to me that GS/H1 and GS/H2 have been assessed by the Reporters using different standards. The Reporters had to be seen to be supporting the allocation of some housing development land in Grantown, however it appears to me that instead of carrying out an objective assessment of the effectiveness of the two proposed housing development sites they have merely taken what they perceive to be the path of least resistance. The GS/H2 housing allocation was hardly mentioned at the Inquiry hearing last May. I believe that the issues surrounding GS/H2 have not been understood by the Reporters.



G. H. JOHNSTON BUILDING CONSULTANTS LTD

Architectural and Planning

u.c. K&T re L.P. Rep Comments

letter only.

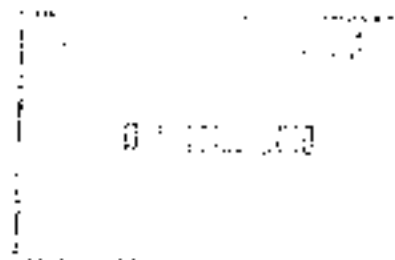
WILLOW HOUSE
STONEFIELD BUSINESS PARK
INVERNESS
IV2 7PA

Our Ref: AC/11/1760

Your Ref: 09/048/CP

24 February 2010

Mr Don McKee
Head of Planning
Cairngorms National Park Authority
Ground Floor, Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB



Dear Mr McKee

PROPOSED HOUSING DEVELOPMENT AT KINGUSSIE - 09/048/CP DAVALL DEVELOPMENTS LTD

Thank you for your letter of 21 December 2009 in response to ours of 11 December on the above.

With a further two months having passed since then without being any closer to agreeing a date for determination of the application you will understand that our clients continue to have concerns about the time taken so far. The recent involvement of your Development Management Planning Manager, Bill Stewart, also raises issues that may defer determination even further. We also note from recent correspondence with The Highland Council Landscape and Forestry Officers the length of time it still takes to turn around consultee responses.

You will be aware that we have continued to liaise with Andrew Tait and had a follow up meeting on 8th February 2010 with Bill Stewart and him in Ballater. We now write to expand on the issues arising from this meeting particularly in relation to the Local Plan Inquiry Report and from the subsequent e-mail correspondence with Bill Stewart over the site boundaries and ownership.

1. Deposit Draft Cairngorms National Park Local Plan Inquiry Report

In terms of the timing of the application our clients chose to submit the Master Plan application when the shortage of housing land in Kingussie was becoming more acute. This was despite the economic recession and the status of the Draft Local Plan as it was all the more important that the Master Plan placed some focus on the land. This was also an appropriate time to forward plan to complement pending improvements to drainage infrastructure so that the land once planning consent is obtained will be effective and can be readily serviced and promoted for development to meet pent up local need and demand. The Deposit Draft Plan encouraged preparation of the Master Plan by developer/landowner interests, which was also welcomed by your staff in the face of their heavy workload.

Whilst we acknowledge that the detailed allocations in the existing Badenoch and Strathspey Local Plan are different to that contained in the Cairngorms National Park Deposit Draft Local Plan, the

Director: Gary H. Johnston

Registered Office: Willow House, Stonefield Business Park, Inverness IV2 7PA
Registration no: 155154, Incorporated in Scotland

principle of development remains the same. The Master Plan broadly accorded with the terms of both Local Plans at the time of its submission. We also consider that the Master Plan can now help the CNPA frame the relevant policy at the next stage of the Local Plan process in line with the latest Scottish Planning Policy and without prejudice to the Reporter's recommendations. 40

We were disappointed to learn that prior to the meeting on 8 February no consideration had been given to the Kingussie issues by officers despite the indication given by you in your previous letter following receipt of the Report on the Local Plan Inquiry in December 2009. We also noted the CNPA Committee report on 19th February 2010 setting out the timetable for consideration of the Inquiry Report and the future stages of the Local Plan process. In particular we noted that the CNPA Committee was asked that it considers the analysis and reasoned justification of the position taken on the various issues on 14th May. In this regard we have serious concerns if the application by Davall Developments Ltd not determined in advance, particularly if CNPA officials and Committee accept all the recommendations of the Reporter.

As indicated above and discussed with your colleagues on 8th February, we have discussed the Reporter's recommendations with the clients and the implications for the application land. As a result we have a number of comments set out below which we feel can help you determine how to take forward the allocation of all of the land and frame the relevant Policy for Kingussie. Andrew Tait was happy for us to submit these for your consideration.

(a) Kingussie Economic Development Allocation KG/ED1

We note the comments from the Reporter about the landscape impact of the development of this part wooded prominent land and the doubts about the extension of the settlement boundary to the south east. The Reporter seems to consider that the line of the General Wade's Military Road provides a clear identifiable, robust and defensible boundary for the settlement. However, in doing so he does not appear to acknowledge the long standing allocation of this land in the Badenoch and Strathspey Local Plan and the fact that this extends beyond this "boundary" towards the A9.

The Reporter comments on access to this land from the A86 Trunk Road and advises that he had been informed by your office of the conclusion of the discussions with Transport Scotland. We can now confirm that agreement has been reached with Transport Scotland over the detailed access. The matter has now been in the hands of Transport, Environment and Community Services (TECS) of The Highland Council for several months and we are surprised that you have not received final comments from them. You will also be aware that that TECS prefer the initial phases of development to serviced via the A86 access.

The Reporter indicates that if even if access problems can be overcome there is no overwhelming need for the allocation of this site for the uses proposed (by the objector). This conclusion is somewhat surprising as we understand that CNPA officials informed the Reporter that the allocation was introduced to the Plan following previous objections from Mr Aardenburg and consultation with Highlands and Islands Enterprise about the need to identify sites for local economic development.

In conclusion, we therefore feel that the Reporter's recommendations should be set aside for a number of reasons. For the Reporter to say that the Military Road is a long established robust and defensible stretch of the settlement boundary is clearly wrong. The Badenoch and Strathspey Local Plan allocated the land beyond the Military Road, the boundary of which is closer to the A9 than the proposed extent of land indicated in the Davall Master Plan. Furthermore, the Badenoch and Strathspey land previously included a tourism development allocation further to the north.

which also "breached" the line of the Military Road. The Reporter has also missed the point about the identification of land for economic development purposes and the link to sustainable local development in the National Park, reducing the reliance upon commuting for employment elsewhere. The Reporter also avoids identification of an alternative site for such uses to help meet local demand.

(b) Kingussie Housing Allocation, KG/111 (Various objections)

Overall we are disappointed with the Reporter's conclusions and recommendations with regard to the total land supply allocated and the lack of recognition of the Master Plan for the site. As you know the Master Plan does promote the development of 300 houses over the period of the Local Plan. Not only does the current market dictate a long period of development, the master Plan clearly sets out development phasing over a period of 10 to 15 years and beyond.

The Reporter also seems to have ignored the principle that this land had been allocated for some considerable time in the Badenoch and Strathspey Local Plan and that development commenced some years ago on this basis. As such, developers and landowners have for a number of years expected that the land would be developed over a long period of time and have made considerable investment so far. We firmly agree with a professional colleague quoted recently in the press in response to the Inquiry Report: *"It is very short sighted of the Reporter to go back on previous commitments and undermine the investment that has already been made in the acquisition of land and preparing to develop it"*.

The Reporter also failed to take account of SPP3 and emerging guidance at that time now embodied in the new Scottish Planning Policy (February 2010), which allows for the allocation of land to give clear direction for long term growth of a community. We quote from this SPP as follows: -

At paragraph 71 - "allocating a generous supply of land for housing in the Development Plan will give the flexibility necessary for the continued delivery of new housing, even if unpredictable changes to the effective land supply occur during the life of the Plan. Consideration of the scale and location of the housing land requirement in Development Plans well ahead of land being required for development should assist in aligning the investment decisions of developers, infrastructure providers and others."

Then at paragraph 73 "Outwith the city regions the Local Development Plan should identify the housing land requirement and allocate a range of sites effective or capable of becoming effective to meet these requirements up to year 10 beyond the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. Local Development Plans outwith city regions should also provide an indication of the possible scale and location of housing land up to year 20."

We therefore feel that in broad terms the Deposit Draft CNPA Local Plan allocation for Kingussie with the introduction of phasing would comply with the new SPP and SPP3 before it. Whereas the Reporter only seems to concentrate on the period of the Cairngorms National Park Local Plan, which we understand ends in 2011 and the anticipated year of adoption. By not allowing an allocation beyond the end of that period i.e. more than 55 houses, if the Reporter's recommendation is accepted by the CNPA it will fail to ensure that the Local Plan has a minimum 5 years effective land supply at all times, which would be in breach of government policy.

Turning to the detail, the Reporter goes on to say that the Kingussie allocation, when taken with potential from windfall sites, provides sufficient by way of choice of housing sites in Kingussie. We also note that he sees no reason to identify specific sites at West Terrace/Ardvenie Road, St Vincent's, Ardthorach Road or anywhere in the vicinity of West Terrace. Although he does not

rule out the possibility of some or all of these may benefit from windfall approvals. In this regard we feel that it is appropriate for the Ardbroach Road land to remain as part of the Master Plan application. It will be for the CNPA to decide whether it should remain a specific allocation in the Local Plan.

With regard to the impacts of the main allocation the Reporter recognises that all of KG/H1 contributes to the pleasant landscape setting of Kingussie and the eastern portion occupies a prominent position. He goes on to say that the land to the east should be released for development only required in the long term. However, this is at odds with the request from Andrew Tait to consider this area for the early phases to overcome objections about the impact from traffic upon Dunbarry Road and Terrace. The Transport Assessment lodged with the application demonstrates a capacity of this existing network to accept more than 55 houses in advance of the completion of the internal link/loop road. However, the applicants have accepted this reduced number and are prepared to construct of a haul road for construction traffic.

With regard to consideration of the objections raised by the Badenoch and Strathspey Conservation Group the Reporter indicates that there is no evidence to suggest that any part of the site is identified for special protection nor did the Strategic Environmental Assessment find any insuperable obstacle to development. He indicates that no such factors exist which make the land unsuitable for consideration as a housing site at this stage of the planning process but that any part of the site proposed for the development will come under closer scrutiny at the planning application stage. As you are aware a walkover habitat and botany survey was undertaken for Davall and a report provided as further information in support of the application.

The Reporter goes on to say that in terms of the effectiveness of the land the evidence is fragmented. In particular he refers to school and medical facilities being close to capacity. However, this is questionable as no evidence was been presented to the Reporter by other objectors, the CNPA or authorities responsible for such services. Furthermore, as you know and despite the excessive period of time that has now lapsed, both Education and Health Authorities have failed to respond to the consultation on the Master Plan planning application to confirm what the impact of the proposed development is on such facilities.

We consider that the Reporter's statement on the marketability and lack of satisfactory explanation being provided as to why no part of the site has been developed since the site was identified in the Badenoch and Strathspey Local Plan in 1997 should not be accepted. He does not recognise that the Croila Road and Croila View development forming part of that allocation was only completed in 2006/07. We also wonder if this question was asked of the CNPA by the Reporter during the Inquiry proceedings, because it is indicated in the Davall Master Plan.

This brings us to the concerns we expressed previously about not being able to be heard on this issue at the Inquiry. On 27 March 2009 we wrote to the Inquiry Programme Officer outlining our client's concerns about the short timescale for submission of further Written Submissions, although no reply was ever made. In informal discussions we were also discouraged by CNPA officials and the Reporter from appearing at the Hearing. This is because it was felt that our clients generally agreed with the allocation and effectively supported the position of the CNPA. However, had we been allowed to take part or at least been given sufficient time to make further Written Submission we would have been able to present evidence such as this in front of the Reporter. More specifically, we would have submitted the Master Plan as a Production in support of our Statement. We are also surprised that the Reporter did not request a copy of this document when he was clearly aware that an application had been lodged some months before the Inquiry was held. In our long experience of Local Plan Inquiries this is somewhat unusual as Reporters have

regularly requested information on live applications and permissions affecting land subject to Local Plan objections.

You may also be aware that the Master Plan document contains information relative to early discussions we had with the Albion Housing Society Ltd over the provision of much needed affordable homes. This gave rise to the indication that the development is expected to commence with affordable housing and the recovering market will be tested with serviced land possibly for individual plots or through small scale development by a local house builder. As he does not appear to have been aware of this we are not surprised that the Reporter made an issue of the marketability of the land. Crucially we are now in the situation that the Albion Housing Society need to commit to 2011 affordable housing funding by 31st March 2010. Otherwise there is no guarantee of future provision beyond 2011 for Kingussie. The absence of the application being determined before 31st March therefore undermines the ability to commence development before April 2011. This will stifle local needs and demand even further.

The Reporter also seems to weigh heavily on the 55 units indicated in several places in his report. He does not make it clear where this figure comes from but it does correspond with the access limitations of Dunbarry Road and Terrace rather than the marketability or housing requirement for the village over the period of the Local Plan. Furthermore the Reporter does not seem to recognise that connections can only be made to the foul drainage system for any development across this land once Scottish Water has invested the money to provide the necessary capacity in the village waste-water treatment works.

The Reporter goes on to say that the site Master Plan should consider structure planting, footpath connections, other features to enhance amenity and ensure the relationship of the provision of all these to the settlement of Kingussie as a whole, paying adequate regard to the provision of open space. We are not surprised by this statement in light of the Reporter not having a copy of the Master Plan to take account of and the lack of opportunity for us to present this as evidence to the Inquiry.

In light of these matters we consider that the CNPA should feel comfortable about continuing with the Deposit Draft Plan allocation with the addition of phasing. This is essentially what the Master Plan application attempts to do. As such, we feel that the application can be determined prior to finalising the land allocations through the Local Plan process. While you may think that this is a matter of the application leading the allocation we think that the new SPP allows you to use the application to help set out the short, medium and long term allocation for Kingussie in a properly phased manner. It is quite clear from the SPP that Planning Authorities are able to allocate a much longer term supply of land, up to 20 years, and that this would correspond with the size and timescale for the development proposed.

To follow this up we also now provide a revised phasing plan, the submission of which was agreed by Andrew Tait in our meeting on 8 February. This is aimed at corresponding with the remainder of the Local Plan period and three subsequent periods of each of 5 years beyond. This also takes account of some but not all of the early phases of development commencing at the A86 access in the south east corner. The original *draft* phasing plan indicated how 55 houses could be delivered off Dunbarry Road/Terrace in advance of completion of the loop road through the site to the A86. We have now spread this level of development served by that access across the first two major phases, as indicated in the revised table in Figure 18.

We can also advise that in recent years we were the agents for two developments approved in outline or as part of a Master Plan prior to the conclusion of the final stages of a Local Plan. The Dingwall North Master Plan outline consent was granted in May 2006 with the adoption of the

Ross and Cromarty East Plan not following until February 2007. You will also be familiar with the Aviemore Highland Resort Master Plan, which your Committee were minded to grant subject to Section 75 early in 2009, prior to the commencement of the Local Plan Inquiry. In both cases there were outstanding objections to the relevant provisions of the Local Plans.

2. Application Site Boundary

Our clients are very concerned that these issues have been raised extremely late in the day and could further lengthen period prior to determination of the application. Our client's planning solicitor at Paul and Williamson has been asked to review these issues and await further advice. In the meantime we comment as follows: -

(a) Dunbarry Terrace

Our clients are extremely unhappy about the very late assertion about the need for the section of land between the top end of Dunbarry Terrace and their application site boundary to be included in the planning application. We have exchanged several e-mails with Bill Stewart on this subject and have made cases both in terms of the application proceeding without this area of land, hatched in blue on the attached plan and the alternative procedure.

This small area of land formed part of an outline planning consent (BS/89/449) granted to Badenoch and Strathspey District Council for the construction of road and subdivision of land to form plots for 8 dwellings. The north eastern site boundary of this site corresponds with the boundary of our site. The 1989 application site plan also indicated future access across the land in question. As such, we consider that if the land appears to have been covered by an outline permission in the past and that this permission could still be considered as valid or extant. The development framework plan in the Badenoch and Strathspey Local Plan also indicated access to future development in this location. Furthermore, the wider community and those who made representations on the Davall application were well aware of the intention to take access in this manner as most of them see the traffic impact of this as a major issue.

We are reluctant to include the land in our application at this late stage if this means that you will seek the withdrawal of the original application and resubmission of a new one. Apart from not being given clear procedural reasons for doing so, this would have very serious legal and highly expensive implications for our clients if forced into something that does not seem necessary. The adjustment of the boundary and re-notification of neighbours or the submission of an application only for the small piece of land is the most our clients are prepared to consider here. However, as indicated above we do not think this is necessary. Our clients also legal access rights over the land and would cover the detailed access in a Full application for an early phase of development.

To withdraw the current application and submit a replacement to be subsequently be caught up in the Major Applications procedure and a minimum three months of pre-application consultation is just not acceptable now more than a year on. As well as the expensive fee implications, this would prejudice the terms of the sale of the development land by the previous owner, Lord Burton as well as the conclusion of the purchase of the Kerrow Farm land from Mr Aandenburg. Ultimately this will affect the viability of servicing the land for development and undermine efforts to provide much needed local employment in a difficult economic climate. This in turn will have an impact on the local economy and the ability to sustain population in the area, which politicians take a major interest in.

We have received further information from our client's lawyers, J & H Mitchell W.S. in Pitlochry on the ownership of this particular small area of land. This is part of land conveyed by Michael Victor

Baillie, Baron Burton to the Badenoch and Strathspey District Council in 1990. The Council's Title is subject to a right of pedestrian and vehicular access for all purposes over the access roads and pavements including the area hatched blue on the attached plan, extending to a width not less than the width approved by a local authority for the proposed development of the ground which was conveyed to the Council, and leading to the land, which then belonged to Baron Burton (subsequently acquired by Davall Developments Ltd). The Title also reserved the right to extend and construct roads over the area referred to as a proposed future access, i.e. the area hatched in blue, lying between the end of the road that was to be laid by the Council, and the boundary of the land and to a standard not less than that applying to the roads constructed within the Council's land. The Davall Title includes servitude rights of pedestrian and vehicular access for all purposes and other servitude rights and wayleaves for the construction of roads and pavements and leading services to adjoining subjects as specified in the 1990 Feo Disposition to Badenoch and Strathspey District Council. In summary, whilst Davall do not own this land they have the right to facilitate future access over it.

(b) Kerrow Farm Land Ownership

We also refer to Bill Stewart's e-mail of 16 February 2010 when he advised that in going through the files he noted some other areas of concern. In particular he noted a letter from the "alleged" owner of part of the site (Mr Aardenburg) and he questions whether this aspect has been fully resolved.

Your file records will confirm that we wrote to your office on 2 April 2009 clarifying the situation when we discovered that Mr Aardenburg technically still owns the land. At this time we served notice on Mr Aardenburg as owner under Section 35, we then sent a copy of the Section 35 notice to both your office and The Highland Council to confirm that appropriate notification had taken place. Neither planning authority had asked us to supply revised back pages of the planning application form following this revised notification. This issue has only surfaced now and we trust that this will not affect the determination of the application. Nevertheless, in order to keep your records straight, we now enclose a copy of the relevant pages at this time.

Prior to 2 April 2009 we also adjusted the boundary at Acres Road following representations from the neighbour, Mr Moffett, about ownership at St Giles. This and narrow strips of neighbouring land not indicated on the Davall Title plan were subsequently omitted from the site boundary and an amended plan provided to Andrew Tait and THC the Kingussie Planning and Development office together with certification that we had renotified the relevant parties as neighbours. Neither Andrew nor THC expressed dissatisfaction with this procedure at the time. Similarly no request was made by either Planning Authority to include the land at the top end of Dunbarry Terrace. The Highland Council also had the opportunity to check this matter and advise before validating the application prior to its call in by the CNPA. Subsequently, on 23 April 2009 Andrew Tait wrote to us seeking an extension of time to deal with the application without mention of the need to supply the back pages of the application form or include the land at the top end of Dunbarry Terrace within the site boundary.

3. Timescale for Determination of the Application

Whilst to a degree the outcome of the Local Plan is a material consideration in the determination, we had been advised by your office in the past that just having sight of the Reporter's recommendations should be sufficient to help take the application forward towards determination. As indicated above we feel that in light of our comments on the Reporter's recommendations CNPA officials can also have the confidence to take the application with the phasing changes to Committee in advance of the full consideration of the Local Plan Inquiry Report on 14 May.

We also draw attention to the fact that when you wrote to us in September 2009 requesting an extension of time to determine the application we were happy to agree to a mid December timescale. Subsequent to our letter of 5 October 2009 confirming this we have not received a further request from your office to extend the time in which to deal with the planning application. As the application was not determined in December 2009 the applicants are well within their rights to request that the CNPA do so as soon as possible or appeal the non-determination. As stated by you in previous correspondence this may not be productive particularly as we have come this far. However, if this has to await further consideration of the Local Plan by Committee and the late introduction of new boundary and ownership issues threaten to delay determination even further, we feel we will have no option but to go to appeal.

We therefore request that in light of the above matters you seek to take the application forward at the earliest opportunity. To do so before the end of March of this year would also allow the Albyn Housing Society to confirm its commitment to the area and give a much needed boost to the building industry and employment in this part of the National Park. As you will be aware our clients are employers in this regard. In a telephone conversation between Bill Stewart and David Cameron on 23 February it was suggested that 1 April is the earliest date that the CNPA Committee could determine the application.

We now ask that you draw a line under the outstanding consultation responses. We also trust that Aberdeenshire Council Planning Gain Service will respond on the outstanding issues relating to the application in good time to allow clarification of which matters can be covered by planning conditions and Section 75 Heads of Agreement.

In light of the above and further to Bill Stewart's telephone conversation with David Cameron on 23 February we request an early meeting involving our clients, senior CNPA officials and you to discuss our concerns and a way forward.

Yours sincerely



Alan Ogilvie MRTPI
G.H. Johnston Building Consultants Ltd

CC: Ms Jane Hope, Chief Executive of the Cairngorms National Park Authority, 14 The Square,
Grantown on Spey, PH26 3HG
Mr David Green OBE, Convener of the Cairngorms National Park Authority Board, 25/
Achnahairu, Achilfinnie, Ullapool, IV26 2YJ
Mr David Cameron, Davall Developments Ltd, Myrtlefield House, Grampian Road,
Aviemore, PH22 1RH
Mr Alan Munro, Davall Developments Ltd, Ghuilbin House, Grampian Road, Aviemore,
PH22 1RH
Ms Lesley Gray, J & H Mitchell W.S., 51 Atholl Road, Pitlochry, Perthshire, PH16 5BU
Mr Bruce Smith, Paull & Williamson, Investment House, 6 Union Row, ABERDEEN, A310
1DQ

Encs

CAIRNGORMS NATIONAL PARK DEPOSIT LOCAL PLAN

LETTER TO CNPA BOARD MEMBERS – 18TH FEBRUARY 2010

CONTENTS LIST

Item	Title	Paras
a)	<u>The housing policy is contrary to the principle of sustainability</u>	2, 3
b)	<u>A planning condition cannot in practice guarantee that any particular percentage of houses will be affordable</u>	4
c)	<u>The proportion of the Park's population that is aged over 60 is increasing at an extremely high rate</u>	5
d)	<u>H1 would be contrary to the principles recommended in the Cairngorms Landscape Character Assessment of 1998 (CD7.7)</u>	6
e)	<u>There are significant failures to comply with the findings of The Cairngorms Landscape Capacity Study Final Report of August 2005 (CD7.19)</u>	7, 8, 9
f)	<u>There is inadequate evidence on infrastructure</u>	10
g)	<u>The effect of successive developments has not been properly taken into account</u>	11
h)	<u>The iconic significance of the view from Tullich has been overlooked</u>	12
i)	<u>Government experts have said that connected growth to the north east of Ballater is not possible</u>	13, 14
j)	<u>The issue of flooding has not been properly dealt with</u>	15, 16, 17, 18, 19, 20
k)	<u>The effect of the existing Aberdeenshire Local Plan has been mis-stated</u>	21
l)	<u>The Reporters have not adequately justified non-conformity with the structure plan</u>	22, 23
m)	<u>The excess market housing at the periods respectively proposed for Ballater H1 would infringe the principle of sustainability</u>	24, 25
n)	<u>A vision for Ballater should not be dictated by Ballater H1</u>	26, 27
o)	<u>The proposals for Ballater are not an interim solution</u>	28, 29, 30, 31
p)	<u>Affordable housing should be the priority for Ballater</u>	32, 33, 34, 35, 36



Ms A MacLean, O.B.E.
The Cairngorms National Park Authority
14 The Square
Grantown on Spey
PH26 3HG

18th February 2010

Dear Ms MacLean,

CAIRNGORMS NATIONAL PARK DEPOSIT LOCAL PLAN

- 1 As signatories of the Joint Statement of Case Against Ballater H1 we feel that, despite various sound principles enunciated by the Reporters, there are matters that have not been drawn to the attention of the members of the National Park Authority adequately if at all. We are sending copies of this letter to the objectors listed below who have a contrary interest to ours.

GENERAL MATTERS

- a) The housing policy is contrary to the principle of sustainability
2. The Cairngorms National Park Plan of 2007 (CD7.1) states in the second paragraph on page 72 "Currently 75 per cent of households in the National Park have an income that would not be sufficient to secure a mortgage great enough to purchase a house at the average 2005 price in the Park". Thus when the Park Plan of 2007 in the first paragraph on that page states that the demand for housing in the Park is likely to increase between 2006 and 2016 by between 600 and 1000 households based on current needs, the overwhelming bulk of the need is obviously for affordable housing. However under the deposit local plan as modified the bulk of the housing to be built is market housing, the overwhelming majority of which is not needed for the projected population. That population is calculated on past trends some of which were affected by the building of market housing.
3. This provision of unneeded market housing is contrary to the principles of sustainability in a National Park, primarily because at some time in the future land may actually be needed either for additional market housing that is needed by the particular settlement at the time or for an economic development thoroughly compatible with the objects of the national park but suitable land will likely have been squandered on housing that was not needed. The matters mentioned below also impair sustainability.
- b) A planning condition cannot in practice guarantee that any particular percentage of houses will be affordable
4. A condition of planning permission for a private housing development that a particular percentage of the houses be affordable neither provides a guarantee nor even a likelihood that that percentage will be affordable. The developer does not provide that percentage of plots (far less completed houses) free of charge. This can be seen from paragraphs 38 and 39 of PAN 74 (Planning Advice Note 74 Affordable Housing) (CD4 20) which were referred to in paragraph 3.3.2 of the Joint Statement of Case Against Ballater H1. Paragraph 38 says "The contribution required by the local authority from the developer of a market housing site should normally be the provision of serviced land ie a proportion of the site which can be developed by or for a RSL. Such land should be transferred either at a value relating to its end use for affordable housing or by agreement between the developer and the RSL at a lower value." However, paragraph 39 indicates that instead of the larger area of ground at an agreed value the developer might provide "a smaller number of completed homes for social rent and transfer these at the same overall value."
- c) The proportion of the Park's population that is aged over 60 is increasing at an extremely high rate
5. The population projections of the University of Manchester (CD7.10) state on page 7 that in 2025 nearly half the population will be over 65 (sic) compared with a quarter in 2001. On page 3 the projections show that this process is taking place in the Cairngorms National Park at a much faster rate than in Scotland as a whole or in the area of the Highland Council as a whole. The University of Manchester state on page 1 that the population of the Park is increasing and "population change is stimulated by in-migration which occurs predominantly in the 40 to 60 age group, perhaps a reflection that many of those who move to the Park see it as a retirement area." The projections are based on trends "of recent years". Page 6 of the projections states that the Park suffers a net loss among those aged 15 to 29. Page 1 of the projections states that the average size of a household is decreasing. Thus it is clear that the rate at which the proportion of old people is increasing is contributed to by the building of market housing. Retaining or attracting young people as enjoined

by the Park Plan of 2007 depends on the availability of jobs, which are limited in number. Therefore it is clear that limiting the number of new market houses has a part to play in fulfilling the strategic objective at item a) on page 67 of the Park Plan of 2007 (CD7.1). "Encourage a population level and mix in the Park that meets the current and future needs of its communities and businesses". This issue will also make it important to ensure that affordable housing is for local people

MATTERS RELATING ESPECIALLY TO BALLATER H1

Suitability of Ballater H1 as a site for housing

- c) H1 would be contrary to the principles recommended in the Cairngorms Landscape Character Assessment of 1996 (CD7.7)
6. It seems to have been overlooked by everyone that the Cairngorms Landscape Character Assessment of 1996 (CD7.7), done for Scottish Natural Heritage, states in its Landscape Character Area Guidelines, Landscape type: Straths (between pages 51 and 52) that for Character Area 18 - Upper Deeside Estates the aim for the Agricultural Landscape should be "to conserve the farmed landscapes of the strath floor in order to retain visually contrasting land uses within the Character Area". The heading "Accommodation of New Development" is designated not applicable for Upper Deeside Estates. The context shows that the study regarded new development inappropriate for the strath at Ballater. The relevant sheet of the Guidelines is enclosed as Appendix 1.
- e) There are significant failures to comply with the findings of The Cairngorms Landscape Capacity Study Final Report of August 2006 (CD7.19)
7. The above study was commissioned by the National Park Authority and relied on by them (and by the Reporters at their paragraphs 48.30, 48.33 and apparently 48.39) to support H1 but that study was against any development further towards Tullich than the north eastern limit of the existing estate that runs parallel to the A93. The study's plan "Ballater recommendations" shows a very large area of recommended woodland immediately within the north eastern boundary of the land that the study would allow to be developed. It is clearly implied in paragraph 2.3 of the study that the area to the north east of that boundary should remain farmland. However, H1 in the deposit local plan as modified (CD6.13) extends well into this land, which the study indicates should be kept as open plain with its present character of farm land, as recommended in paragraph 2.2 on page 8, in the plan "Ballater Opportunities and Constraints" and in paragraph 2.3 on page 10. This discrepancy was drawn to the attention of the Reporters at the hearing.
8. The study (CD7.19) was also against housing on the elevated grassland between Monaltrie Avenue and Monaltrie House. At the hearing, the Park Authority's Head of Planning said that they did not wish to remove this land from H1 but wished to keep their options open. It is therefore surprising that in their paragraph 48.39 the Reporters say they support the protection to be given "to the elevated grassland to Monaltrie House".
9. The need to protect the setting of Monaltrie House is the theme of the letter we enclose as Appendix 2, which is from Professor Emeritus David Walker O.B.E. LL.D., D.Litt., F.S.A., F.R.S.F., H.F.R.I.A.S.
- f) There is inadequate evidence on infrastructure
10. In their paragraph 48.37 the Reporters state that they were reassured by the CNPA at the hearing that water and drainage capacity was adequate for the development site. In fact what was said at the hearing was that the CNPA had no written evidence as to infrastructure but relied on a

telephone conversation with an official of Aberdeenshire Council. It is clear from paragraph 6 of SPP3 (Planning for Housing) of 2003 and paragraph 58 of SPP3 (Planning for Homes) Revised 2008 (CD2.4) that infrastructure is a matter to be considered when selecting sites in preparing a local plan.

g) The effect of successive developments has not been properly taken into account

11. In paragraph 48.28 the Reporters indicate that various factors reassured them that the development of Ballater H1 "need not change irrevocably the identity of Ballater as characterised by its Victorian heritage nor necessarily lead to the suburbanisation of the Strath". In this connection it seems from their paragraph 48.11 that the Reporters regard the fact that 250 or more houses have been built in Ballater from 1984 onwards as an argument in favour of a further 250 houses. The Reporters seem to have ignored paragraph 45 of SPP3 (Scottish Planning Policy, Planning for Housing) of 2003 to which we drew their attention at the hearing. Paragraph 45 includes the following: "Extensions to settlements need careful planning... Care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate and consideration should be given to the cumulative impact of successive developments over time". The words were part of the background when SPP15 (Scottish Planning Policy 15: Planning for Rural Development)(CD2.11) was issued in 2005 and said, in paragraph 8: "The aim is not to see small settlements increase in size to the extent that they lose their identity". It is difficult to see how a total addition of 540 houses to the 700 or so existing in 1983 could not change the identity of Ballater. From the terms of Policy 13(c)(i) on page 29 of the deposit local plan as modified, it seems that Ballater at present is a small settlement as it has a population of less than 2500.

h) The iconic significance of the view from Tullich has been overlooked

12. In their paragraphs 48.30 and 48.31 the Reporters recognise the importance of the approach to Ballater as viewed from the heavily trafficked A93 and the importance of providing an attractive gateway but they do not appear to appreciate the iconic nature and national significance of the view from Tullich to Lochnagar. In this respect we enclose a statement from the distinguished artist Eric Auld, F.R.S.A., as Appendix 3. He has kindly agreed to the reproduction at the head of this letter of one of his pictures showing the view across H1 to Lochnagar.

i) Government experts have said that connected growth to the north east of Ballater is not possible

13. In their paragraph 48.39 dealing with vehicular access the Reporters do not mention the Scottish Government consultation paper "Designing Streets" which was issued on 27th January 2009, was put in evidence by us as our document 43 and described in paragraph 6.2 of the Joint Statement of Case Against Ballater H1. Page 33 of Designing Streets uses Ballater as an example and states that more recent cul-de-sac type development in the north east "does not allow for a connected growth of the village".

14. In section 6 of the Joint Statement of Case Against Ballater H1 we said that the necessary vehicular access to connect the new housing to the existing village and to the A93 and the Pass of Ballater respectively would have a devastating effect on the environment. The Reporters, in paragraph 48.38, accept that there are difficulties but consider that these are challenges to be overcome. That they are over-optimistic seems to be shown by their final sentence when they express the hope that "the protection to be given to the elevated grassland to Monaltrie House" may assist in meeting the particular concerns of the residents of Monaltrie Avenue and Monaltrie Close. We find this surprising because of what we say at paragraph 8 above. The "main streets" and "streets" shown on the map on page 19 of "Ballater Summary Report Enquiry by Design, November 2006" (CD8.8)

are only components of a suggested way of connecting H1 to the rest of Ballater. But these things show that what is contemplated involves big physical changes to the north eastern part of the existing village of Ballater.

i) The issue of flooding has not been properly dealt with

15. On our behalf a request to the Reporters was emailed to the Local Plan Inquiry Programme Officer on 20th May 2009 that the aspect of the hearing relating to flooding be adjourned to a later date than 27th May. This was requested so that adequate time could be available for the issue of flooding to be fully considered. This was not granted. At the public hearing at Ballater on 27th May 2009 we drew the Reporters' attention to the fact that the Reporters did not have the flood risk assessment by the prospective developer's consultants which had led SEPA to make a conditional withdrawal of their objection to the site of H1 being used for housing. We pointed out that section 46 of the Copyright, Designs and Patents Act 1988 provides that copyright is not infringed by anything done for the purposes of a statutory investigation and therefore copyright law provided no reason why CNPA should not have put in evidence the flood risk assessment, a copy of which they had received. Forceful representations were made by us at the hearing that the Reporters needed to see the flood risk assessment to discharge their duties. We pointed out that the map showing land affected by a risk of flooding which was attached to the report of the National Park Authority's planning consultants (Andrew McCafferty Associates) on the capacity of H1 did not bear the same revision number as that referred to in the letter from SEPA annexed to the report.
16. In paragraph 48.38 of their report the Reporters have dealt very cursorily with flooding and do not mention that there was a conditional withdrawal of SEPA's objection that they, the Reporters, approved. But they refer to SEPA being generally supportive. We are entitled to assume therefore that the Reporters have approved the conditional withdrawal of SEPA's objection to H1 but have not seen the flood risk assessment. If they had, it would have been circulated to the objectors, both to comply with the legal requirement for fairness and with paragraph 53 of Circular 32/1996 (part of CD5.4).
17. One reason why the Reporters should have considered the flood risk assessment is that it is clear from paragraphs 30 and 50 of Circular 32/1996 that the Reporters should not "rubber stamp" a conditional withdrawal but apply their minds to it. While the Reporters are correct to say in their paragraph 48.38 that they are bound to give considerable weight to SEPA's assessment, they have failed to mention that SEPA had changed their stance considerably and that the only map supplied by SEPA showed virtually all the farmland in H1 as subject to medium to high risk of flooding and therefore unsuitable for housing.
18. Another reason why the Reporters should have read the flood risk assessment as evidence is that it is a decisive factor in deciding whether Ballater H1 is suitable for housing. Paragraphs 42 and 43 of SPP7 (Planning and Flooding)(CD2.7) indicate that during the preparation of every local plan, development sites must be selected on the basis of the Risk Framework in paragraph 37, which states at 3(b) that undeveloped areas subject to a risk of flooding greater than 1.200 (medium to high risk) are generally not suitable for development. It is clear from paragraph 42 that the planning authority would need to consider SEPA's indicative map (which shows about 85 per cent of H1 as subject to such a risk). If there is dispute or uncertainty as to the degree of risk, it is clearly implied in item 2 of the Risk Framework and paragraph 42 of SPP7 that the planning authority should consider any flood risk assessment and weigh it in the balance before accepting its conclusions. Obviously the planning authority would receive advice from their professional staff on such documents and other factors but where a local plan is referred to Reporters without the Risk Framework having been applied (and the Risk Framework needs to be applied to decide the

suitability of a site to be allocated for housing) the Reporters obviously ought to have the documents which the planning authority would have needed to apply the Risk Framework.

19. The objectors having raised the issue of flooding in objections and having relied upon and put in evidence the indicative map of SEPA which shows about 85 per cent of H1 as unsuitable for housing because of the flood risk, it would be a breach of the legal requirement of fairness for the officers of the planning authority to advise the authority about or on the basis of a flood risk assessment which was not circulated as evidence for the objectors and their advisers to study and criticise.
20. The Reporters have omitted to mention that at the hearing on 27th May 2009 Mr Armstrong CC gave an undertaking on behalf of the National Park Authority that a further flood risk assessment would be required if thought necessary. However, there are obvious advantages in this issue being fully and properly investigated with the local plan.

Matters other than the suitability of Ballater H1 as a site for housing

k) The effect of the existing Aberdeenshire Local Plan has been mis-stated

21. In the first sentence of their paragraph 48.1 the Reporters wrongly state that a site north east of Monattrie Park was identified in Aberdeenshire Local Plan of 2006 (CD6.5) as fh1. In fact, on page 306 of that adopted plan, land north east of Monattrie Park bears the designation fh1* which, as the glossary on page 340 shows, designates an area of search for the period beyond 2010 rather than a site. Thus, strictly speaking, the Reporters were also incorrect in saying that that local plan gives no indication of when the land might be built on.

l) The Reporters have not adequately justified non-conformity with the structure plan

22. The Joint Statement of Case Against Ballater H1, in section 2.1, drew attention to the fact that the provision in the deposit local plan for Ballater H1 did not conform to the relevant structure plan, North East Scotland Together (NEST) of 2002 (CD6.1). Page 34 of NEST includes a requirement the effect of which is that any new allocation of land for housing in Ballater for 2006-2010 (inclusive) should be for development on a small scale in support of economic development or local services. (Paragraph 3.13 of NEST says small scale is usually under 15 houses). Page 34 also indicates that the distribution of new allocations from 2006 to 2015 does not in any event allow for large scale housing development at Ballater.
23. The Reporters, in their paragraphs 7.6 and 48.8, give their reasons for holding that the terms of the NEST structure plan have been "overtaken" by the National Park Plan of 2007 (CD7.1) and can carry little weight in the Reporter's findings. Neither expressly nor by implication do the Reporters apply or consider the wording of any of the relevant legislation governing the relationship between the National Park Plan (CD7.1) and structure plans applying to the National Park. For example section 264A of the Town and Country Planning (Scotland) Act 1997 (inserted by paragraph 18 of Schedule 5 of the National Parks (Scotland) Act 2000) provides that "in the exercise with respect to any land in a National Park of any power under the planning Acts, special attention shall be paid to the desirability of exercising the power consistently with the National Park Plan as adopted". If the Reporters had examined that enactment they would, we submit, have appreciated that section 264A assumes that the exercise of a pre-existing power is carried out within the limits of that power.

m) The excess market housing at the periods respectively proposed for Ballater H1 would infringe the principle of sustainability

24. It is clear from our paragraph 2 above that unless the figures of housing need for 2006 to 2015 attributed by the deposit local plan as modified (CD6.13) to the Aberdeenshire part of the National Park are a disproportionately small share of the total need, the supply of land by Ballater H1 provided by the deposit local plan for the period 2006 to 2015 would produce market housing far in excess of what is needed for the projected population of Ballater according to the Park Plan. From paragraphs 3.15 and 4.14 of Heriot Watt's report of 2006 (CD7.8) it appears that according to the census of 2001 the population of the Aberdeenshire part of the National Park (2,192) was about 12% of the population of the Park (18,295). 12 per cent of, for example, the 1,850 dwellings in Table 3 on page 41 of the deposit local plan as modified (CD6.13), and referred to by the Reporters in their paragraph 7.20, is 222 which compares with the 257 shown in Table 3 as for the Aberdeenshire part of the Park.

25. Therefore we submit that the proposals for Ballater H1 are contrary to the principles of sustainability in the way outlined in our paragraph 3 above.

n) A vision for Ballater should not be dictated by Ballater H1

26. At the hearing on 27th May 2009 we drew the Reporters' attention to paragraph 33 of SPP15 (Scottish Planning Policy: Planning for Rural Development)(CD2.11) which states "A vision for a rural area needs to be presented clearly and concisely in the development plan" and is amplified in paragraphs 41 and 42 of SPP15. The Reporters, in their paragraphs 7.27, 48.43 and especially 48.44, conclude that the requisite vision for Ballater is missing from the deposit local plan but should be included. They abstained from drafting it but assumed that the plan for Ballater H1 can continue. Thus they assume not just that H1 can contribute to the vision but is required by a non-existent vision. We suggest that the intention of government policy is that the vision should come first and influence or control policy on development. It is not to be merely a cosmetic exercise. We point out that Ballater H1 was a rush job not included in the Consultative Draft Local Plan of October 2005 and more than half the adult inhabitants of Ballater have signed a petition against houses being built on H1.

27. The vision needs to be formed with the help of an economic survey for Ballater which should include inquiries of businesses in Ballater about openings for young people and examination of how many young people would leave Ballater anyway even if accommodation were available here. The Reporters in their paragraph 6.18 criticise the absence of economic surveys.

o) The proposals for Ballater are not an interim solution

28. Important strands of the housing policy set out in Topic Paper 3, especially in the open-ended last two sentences in paragraph 77 of the topic paper, have been called into question by the Reporters, especially in their paragraphs 7.18, 24.18 and 24.19. In their paragraph 24.18 the Reporters say they have fundamental concerns about the deposit local plan's allocating substantial green field areas for the development of new open market housing with an expectation of a cash or kind contribution by the developer towards affordable housing. In paragraph 24.19 they call the overprovision of general land supply a 'blunt instrument' to deliver affordable housing but recognize the need for an interim solution. Ballater H1 is a large and influential expression of the policies thus called into question.

29. As regards the 90 dwellings proposed for the 5 years' life of the local plan, the deposit local plan as modified does more than 'allow for 90 units' as stated by the Reporters in their paragraph 48.22. Paragraph 55 of PAN49 (Planning Advice Note – Local Planning)(CD4.6) which governed the

preparation of this local plan says "local plans should include firm proposals which... the implementing agency (public, private or individual) intend to develop within about 5 years of the plan's adoption" and the glossary on page 32 of PAN49 says "proposals are intended actions of some significance to the plan area by the planning authority or by other private or public bodies or individuals which the planning authority is confident will be implemented within about 5 years of the adoption of the plan."

30. "herefore if the owner or developer has the will and resources to satisfy the reasonable requirements of the planning authority and to build the houses, the 90 houses will be built on H1 under the deposit local plan as modified.
31. In relation especially to this section (a) and the foregoing section (n) we point out that the Reporters in their paragraph 1.12 say that it is not open to them to recommend a revision to the local plan in its entirety or even in large part.

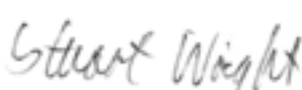
p) Affordable housing should be the priority for Ballater


32. In their paragraph 48.21 the Reporters give reasons for rejecting our suggestions for affordable housing for Ballater but do not actually describe our suggestion. What the Joint Case Against Ballater H1 in fact urged in section 3, especially 3.3 and 3.4, was that instead of building a large number of largely unneeded market houses in order to obtain what in practice would be an uncertain number of affordable homes, small sites should be allocated, including for example infill sites, wholly for affordable housing, as recommended in paragraphs 25 and 32 of PAN74 (Planning Advice Note 74: Affordable Housing)(CD4.20).
33. In their paragraph 48.21 the Reporters say they saw some parcels of land that may have some potential for market and affordable housing but the complex process of delivery depends on developers. To this we respond that: (a) abandoning H1 would provide an incentive to landowners and developers to ensure delivery of suitable small sites for affordable housing; (b) small sites would not be dependent on private or commercial developers but could be developed by the housing authority or a registered social landlord, which has become more likely in Ballater where the right to buy was suspended from 6th November 2008 (as pointed out in paragraph 3.4.2 of our Joint Statement of Case but apparently ignored by the Reporters in their paragraph 24.9); (c) the redevelopment of the old school as suggested on page 42 of "A Design Workshop for Ballater" published by the Prince's Foundation for the Built Environment in December 2008 would give 7 to 11 new affordable units in the grounds of the school. These ought to be capable of prompt delivery.
34. The Reporters also say that small sites are properly treated as 'windfalls' which need not be identified in the proposals map. However, PAN74 of 2005 (CD4.20) says in paragraph 29: "One means through which local authorities may seek to influence the delivery of affordable homes is by allocating sites in local plans specifically for affordable housing. Since the policy requirement in SPP3 is for diverse, mixed residential communities however, this is likely to be most appropriate for small scale sites". Paragraph 95 of SPP3 (Scottish Planning Policy 3: Planning for Homes, revised 2008)(CD2.4 item 2) is to the same effect.
35. The Reporters find that abandonment of Ballater H1 would not trigger sufficient units on brown field or windfall sites to meet the need for affordable housing within Ballater. To this we respond that: (a) section 3.2 of the Joint Statement of Case Against Ballater H1 demonstrated that even on the most wildly optimistic basis of 40% being affordable, Ballater H1 would not even come close to meeting the needs of Ballater for affordable housing which, on an apportionment of the figures for Upper Deeside in Heriot Watt's Report of 2008 (CD7.9), we calculate would be 15 units per year. If 25%

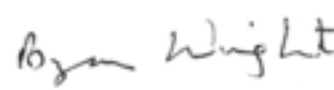
were affordable this would leave a shortfall of 10 affordable homes per year; (b) the Reporters cannot be expected to have examined all possible sites; (c) the policy we advocate would allow the situation to be monitored in the light of experience on individual sites and the ascertainment of the actual needs of affordable housing to serve the people of Ballater and would be less burdensome on infrastructure.

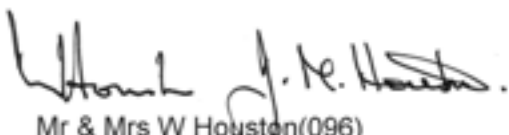
36. We are grateful for the Park Authority's prompt publication of the Local Plan Inquiry Report.

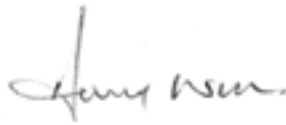
Yours sincerely,



Mr S Wright(030)


Mr & Mrs J Sunley(056)


Mr B Wright(076)


Mr & Mrs W Houston(096)


Mr H Wight(401)


Mr P Swan(462)


Mr J Lovie(488)


Mr G Adams(531)


Mr V Jordan(537)


Capt J Schuneman(538)

To the Members of the Cairngorms National Park Authority

Copies to the following (addresses available on request): The Scottish Administration (as successor to Communities Scotland)(025); Mr C Robertson(050); Ballater & Crathie Community Council(091); Albyn Housing Association(385); John Smith (Malloy Smith Associates)(387); HIE Inverness & East Highland(421); Scottish Enterprise Grampian(425); Dinnet & Kinord Estate(438); Invercauld Estate(442); Goldcrest (Highland) Ltd(445); Scotia Homes Ltd(452); Glenmore Properties Ltd(453); Reidhaven Estate(456); The Highland Council(469); Aberdeenshire Council(474); The Prince's Foundation(476)

Appendices:

1. Extract from Cairngorms Landscape Character Assessment of 1996 (Scottish Natural Heritage)(CD7.7) Landscape Character Area Guidelines, Landscape type: Straths.
2. Letter (plus transcript) from Professor Emeritus David Walker O.B.E., LL.D., D.Litt., F.S.A., F.R.S.E., H.F.R.I.A.S.
3. Statement by artist Eric Auld.

From: Professor Emeritus David M. Walker, OBE, LL.D., D.Litt, FSA, FRSE, HFRIAS
22 INVERLEITH ROW
EDINBURGH
EH3 5QH
[REDACTED]

25 January 2010

To whom it may concern.

Monaltrie House and Landscape.

I write as the Scottish Office historic buildings inspector who surveyed or resurveyed Aberdeenshire, 1961-68; chief inspector of historic buildings, 1988-93, and as principal inspector in charge of listing from 1976; expert adviser to the National Heritage Memorial Fund and Heritage Lottery Fund, 1980-99; Honorary Professor of Art History, The University of St Andrews, 1994-2001; and founder-editor of the on-line dictionary of Scottish Architects since 2002.

Monaltrie House was built in 1782 by James Robertson, an architect builder for Colonel Francis Farquharson of Monaltrie who had suffered financially from his involvement in the Jacobite rising of 1745-46. The associated wooded landscape park was laid out and planted at the same date. It was built to provide up-market accommodation for those visiting Farquharson's mineral wells at Pannanich, where most unusually, the mid Georgian well structures and the double-row roadside inn are completely preserved. Although separated by the River Dee, the two sites form a remarkably complete historic ensemble. All of this was, I thought, well known: the importance of these sites is clearly set out in Jane Geddes's *Deeside and The Mearns* (2001) and in my own study of Inns, hotels and related building types in *A Compendium of Scottish Ethnology* volume 3: *Scotland's Buildings* (2003).

As a purpose-built country house hotel or inn Monaltrie was a pioneer and indeed, so far as I know, a unique building type. This is reflected in its tiny low scale with relatively small rooms, not dissimilar to the contemporary inn buildings at Pannanich; but dignified with crenellated end pavilions, central bow,

and a gabled roof with carefully balanced chimneyheads, all as markers of its higher status and possible future use as the Farquharson residence when the family fortunes recovered, as indeed they did. Nevertheless the original small-windowed, small-scale character of the house remained quite remarkably unaltered through Victorian and Edwardian times. It is thus a place of quite exceptional atmosphere and charm, unique amongst Scottish country houses, and still strongly evocative of the Farquharson family history in mid to late Georgian times. Colonel Farquharson's concept of a country house in a set in a landscape park was completely new at the time, although subsequently adopted at Drummonie, Bridge of Earn, where an existing late 17th century house was converted and extended to serve the spa at Pitkeathly. I know of no other such buildings in Scotland until the building of the hydrogathic hotels in the 1860s and 1870s.

None of this has been taken into account in zoning area H1 for new housing which will severely erode the landscape setting which is the key element in Malloch's importance as an historic building. The statements in the Cairngorms National Park Deposit Local Plan, as modified in October 2008, that the historic quality of Ballater's built environment must be respected and that key listed buildings and their settings must be protected are quite simply denied by this section of the plan which has completely ignored the recommendations in the Landscape Capacity Plan of 2005, even although these fell short of being ideal in curtailing and imbalancing the broad landscape setting to the south east of the house. Specifically H1

now extends over the south-western of the two "cultivated fields" (as described in the 2005 plan) in front of Monallie House, both enclosing it and shutting off its view to the south-east. In the 2005 opportunities and constraints map this area is described as "constrained by the landscape character of this managed farmland which is also highly visible and attractive in the views towards the settlement from the north." Worse still in the blunt zoning of H1 there is no indication of the "new woodland structure" which was to have screened the new housing on the area described as "contained fields" in the 2005 survey and site observations map.

Of equal concern is the extension of H1 to the yellow area in the 2005 opportunities and constraints map which is coloured purple on the site observations map—and described as "elevated grassland." In the 2005 capacity report this area is correctly described and illustrated as having "a parkland quality, emphasised by the arrangement of individual trees." It is elevated above the floodplain and is a buffer between the housing around Monallie Avenue and Monallie House's policies, of which it is in fact an essential part. In 2.2 of the 2005 landscape capacity plan this is described as of "very high sensitivity" and an "area of fine acidic grassland and parkland trees [which] offers a distinctive contribution to local landscape character which contrasts significantly with the adjacent woodland and farmland;" and in the opportunities and constraints map, development is described as being "constrained by

4.

The distinctiveness of this small area of relatively herb-rich grassland and parkland style planting "[which]" contributes to the setting of Monallie House and to the diversity of landscape character types along this settlement edge." It therefore follows that development on this elevated site will have a devastating effect on the setting of Monallie House, especially so given its low profile, and diminish the quality of the north-eastern area of the Ballater landscape as seen from the A93 and B972 approaches.

I am profoundly shocked that the significance of Monallie House, both architecturally and historically, has neither been recognised nor taken into account in the 2008 plan and that the appraisal and recommendations in the Cairngorms Landscape Capacity for Housing Final Report of August 2005 have simply been set aside as either a waste of professional time or just a public relations exercise. What is proposed at H1 appears to be a straightforward commercial approach when in reality only development within the 'contained fields' site is acceptable, given the housing which has already been built. No involvement by the Prince's Foundation will mitigate what is fundamentally wrong in principle and I will be surprised if it is prepared to have anything to do with it.

Monallie House is the most historic building in the Ballater area. I am therefore asking for area H1 in the Cairngorms National Park Deposit Local Plan as modified in October 2008 to be rethought and scaled down. As it stands it severely compromises not only the setting and historic significance of Monallie House but its future. It is not appropriate for a National Park.

Diana M. Walker

From: Professor Emeritus David M. Walker, OBE, LLD, DLitt, FSA, FRSE, HFRIAS.

22 INVERLEITH ROW

EDINBURGH

EH3 5QH



25 January 2010

To Whom it may concern.

Monaltrie House and Landscape

I write as the Scottish Office historic buildings inspector who surveyed or resurveyed Aberdeenshire, 1961-68; chief inspector of historic buildings, 1988-93 and as principal inspector in charge of listing from 1976; expert adviser to the National Heritage Memorial Fund and Heritage Lottery Fund, 1980-99; Honorary Professor of Art History, the University of St. Andrews, 1994-2001; and founder-editor of the on-line dictionary of Scottish Architects since 2002.

Monaltrie House was built in 1782 by James Robertson, an architect builder for Colonel Francis Farquharson of Monaltrie who had suffered financially from his involvement in the Jacobite rising of 1745-46. The associated wooded landscape park was laid out and planted at the same date. It was built to provide upmarket accommodation for those visiting Farquharson's mineral wells at Pannanich, where most unusually, the mid Georgian well structures and the double-row roadside inn are completely preserved. Although separated by the River Dee, the two sites form a remarkably complete historic ensemble. All of this was, I thought, well known: the importance of these sites is clearly set out in Jane Geddes's *Deeside and the Mearns* (2001) and in my own study of Inns, hotels and related building types in *A Compendium of Scottish Ethnology* volume 3: *Scotland's Buildings* (2003).

As a purpose-built country house hotel or inn Monaltrie House was a pioneer and indeed, so far as I know, a unique building type. This is reflected in its long low scale with relatively small rooms, not dissimilar to the contemporary inn buildings at Pannanich, but dignified with crenellated end pavilions, central bow and a piended roof with carefully balanced chimney heads, all as marks of its higher status and possible future use as the Farquharson's family residence when the family fortunes recovered, as indeed they did. Nevertheless the original small-windowed, small scale character of the house remained quite remarkably unaltered through Victorian and Edwardian times. It is thus a place of quite exceptional atmosphere and charm, unique amongst Scottish country houses, and still strongly evocative of the Farquharson family history in mid to late Georgian times. Colonel Farquharson's

concept of a country house inn set in a landscape park was completely new at the time, although subsequently adopted at Drummonie, Bridge of Earn, where an existing late 17th century house was converted and extended to serve the spa at Pitkeathly. I know of no other such buildings in Scotland until the building of the hydropathic hotels in the 1860s and 1870s.

None of this has been taken into account in zoning area H1 for new housing which will severely erode the landscape setting which is the key element in Monaltrie's importance as an historic building. The statements in the Cairngorms National Park Deposit Local Plan, as modified in October 2008, that the historic quality of Ballater's built environment must be respected and that key listed buildings and their settings must be protected are quite simply denied by this section of the plan which has completely ignored the recommendations of the Landscape Capacity Plan of 2005, even although these fell short of being ideal in curtailing and unbalancing the broad landscape setting to the south east of the house. Specifically H1 now extends over the south western of the two "cultivated fields" (as described in the 2005 plan) in front of Monaltrie House. In the 2005 opportunities and constraints map this area is described as "constrained by the landscape character of this managed farmland which is also highly visible and attractive in the views towards the settlement from the north." Worse still in the blunt zoning of H1 there is no indication of the "new woodland structure" which was to have screened the new housing on the area described as "contained fields" in the 2005 survey and site observations map.

Of equal concern is the extension of H1 to the yellow area in the 2005 opportunities and constraints map which is coloured purple in the site observations map - and described as "elevated grassland". In the 2005 capacity report this area is correctly described and illustrated as having "a parkland quality, emphasised by the arrangement of individual trees." It is elevated above the flood plain and is a buffer between the housing around Monaltrie Avenue and Monaltrie House's policies, of which it is in fact an essential part. In 2.2 of the 2005 landscape capacity plan this is described as of "very high sensitivity" and an "area of fine acidic grassland and parkland trees [which] offers a distinctive contribution to local landscape character which contrasts significantly with the adjacent woodland and farmland;" and in the opportunities and constraints map, development is described as being "constrained by the distinctiveness of this small area of relatively herb-rich grassland and parkland style planting" [which] "contributes to the setting of Monaltrie House and to the diversity of landscape character types along this settlement edge." It therefore follows that development on this elevated site will have a devastating effect on the setting of Monaltrie House, especially so given its low profile, and diminish the quality of the north eastern area of the Ballater landscape as seen from the A93 and B972 approaches.

I am profoundly shocked that the significance of Monaltrie House, both architecturally and historically, has neither been recognised nor taken into account in the 2008 plan and that the appraisal and recommendations in the Cairngorms

Landscape Capacity for Housing Final Report of August 2005 have been simply set aside as either a waste of professional time or just a public relations exercise. What is proposed at H1 appears to be a straightforward commercial approach when in reality only development within the “constrained fields” is acceptable, given the housing which has already been built. No involvement by the Prince’s Foundation will mitigate what is fundamentally wrong in principle and I will be surprised if it is prepared to have anything to do with it.

Monaltrie House is the most historic building in the Ballater area. I am therefore asking for area H1 in the Cairngorms National Park Deposit Local Plan as modified in October 2008 to be rethought and scaled down. As it stands it severely compromises not only the setting and historic significance of Monaltrie House but its future. It is not appropriate for a National Park.

David M. Walker

Eric Auld
27 Hammersmith Road
Aberdeen
AB10 6NA

To whom it may concern,

I have seen the Proposals by the National Park Authority and am perturbed by the so-called Masterplan that reflects the community's needs. I would like there to be a consideration of a wider nature. The aesthetic features of Ballater's position on Deeside have been enjoyed by generations of people outwith the area.

In the context of the Art Scene in the North East I am a senior figure and have a reputation which is understood to be of some significance. Being a Fellow of The Royal Society of Arts I have both an interest in my own medium and the broader values of environment.

With the environment in mind I realise that the adoption of the Ballater local plan which envisages 250 houses in the north east of Moraltre Park would be a blight on the perfect landscape of upper Deeside. Whereas new houses have been built in Banchory with no visual intrusion, the prospect of the Ballater Strath being inundated with houses fills me with dread.

Deeside has as its most effective tourist value the delightful landscape. The view of the scene on the road from Aboyne is of the Strath, Ballater and Lochnagar. It is UNIQUE, a combination of road, countryside, village and mountain which is outstanding.

Because it is such an unique combination of road, country and mountain I have painted it on countless occasions in my fifty years of painting. I also have put this view into print form with a sell-out in the editions. Thousands have a similar understanding of its appeal and it does mean that the public has a direct interest in its preservation.

Consideration of the aesthetic features of this area should be of such importance that this project should not go ahead. It is a denial of what Deeside has to offer. It should be held in trust for generations to enjoy.

The village is also at its maximum in terms of population.

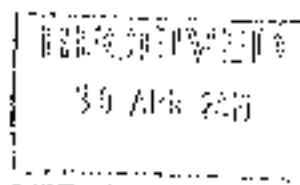
I believe that a greater understanding of the visual impact of the Plan needs to be seriously considered and a more sensitive attitude be adopted by all parties.

Yours Sincerely,

A black rectangular redaction box covering the signature area.



nature's voice

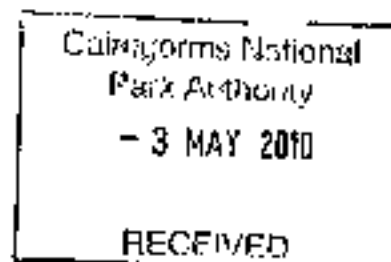


David Green
Convenor, Cairngorm National Park Authority
14 The Square
Grantown on Spey
PH26 3HG

RSPB SCOTLAND

29 April 2010.

Dear Mr Green



Cairngorm National Park Local Plan

I understand that the Park Authority is shortly to consider its approach to recommendations made by the Reporters following the Local Plan Inquiry held last year. I write to clarify RSPB Scotland's views on particular elements of the Plan and to recommend that the Park accept the Reporters' findings and modify the Plan accordingly.

Housing Allocation NB H2 School Wood, Nethy Bridge

RSPB Scotland was concerned about the possibility that housing development here might be to the detriment of capercaillie, a species of very high conservation importance. However, we took the pragmatic view that as there is a valid full planning consent for housing at this site, there was little point in maintaining our objection to this allocation. However, this consent has not yet been acted upon. We also note the strength of the Reporters' conclusion that "the proposals for the settlement should be the subject of a root and branch review" and their recommendation that there should be a moratorium on all housing and economic developments in Nethy Bridge, other than on windfall sites that already have detailed planning permission. This site is not a windfall site and, particularly as there is a realistic possibility that no development will commence before the consent expires, we suggest that the Park follow the recommendation to delete this allocation from the Plan.

Housing Allocation BG/H1 Boat of Garten

RSPB Scotland was also concerned about the possibility that housing development here might be to the detriment of capercaillie and the potential for additional damaging disturbance that may arise. Although we later considered that new wording in the Draft Plan, stating that 'any development must be accompanied by sufficient mitigation and visitor management to ensure that this interest is maintained' gave us sufficient comfort to remove our objection, new information subsequently came forward pointing towards Boat of Garten Wood being more important for capercaillie than was previously thought. Accordingly, due to the number of lekking birds, their proportion of the national population and the recent breeding records, it became clear that Boat of Garten Wood is of major importance both by itself and within the context

1 North Scotland
Regional Office
Forth House
Boat of Garten Park
Inverness IV2 3BW

Tel 01463 715000
Fax 01463 715375

www.rspb.org.uk/scotland



of the surrounding Special Protection Areas. In addition, given this importance, and the proximity of the special interest to the housing allocation, we no longer felt that it was possible to mitigate the adverse effects of development proposals sufficiently to meet the tests of the Habitats Regulations which apply here and objected to a housing application within this housing allocation site.

I wish to make it clear that RSPB Scotland does not wish to see housing at this site and urge that the Board deletes this allocation from the Local Plan in line with the Reporter's recommendation and with the aim of the Park - "To conserve and enhance the natural and cultural heritage of the area."

Yours sincerely



Peter R Gordon

RSPB Conservation Planning Officer