

# **AGENDA ITEM 7**

## **APPENDIX 2**

### **DRAFT LANDSCAPE NON-STATUTORY GUIDANCE**

PLANNING

# Cairngorms National Park

## Local Development Plan 2020

### Non-statutory guidance: Policy 5 - Landscape



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## How to use this guidance

This non-statutory guidance forms part of the Cairngorms National Park Local Development Plan 2020 and applies to all planning applications within the Cairngorms National Park. The Local Development Plan is available via <https://cairngorms.co.uk/planning-development/local-development-plan-2020/> and should be read alongside this guidance.

This guidance should be used during the preparation and assessment of planning applications to ensure that the requirements of Policy 5 are met.

## Introduction and context

Policy 5 of the Local Development Plan<sup>1</sup> applies to all development and provides the framework for how consideration of landscape interests should be incorporated into development proposals.

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<sup>1</sup> Note, policy wording may change following the examination of the Proposed Plan.

## Policy 5 – Landscape

### 5.1 Special Landscape Qualities

There will be a presumption against any development that does not conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park including wildness and the setting of the proposed development.

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

- a) any significant adverse effects on the special landscape qualities of the National 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 to the satisfaction of the planning authority.

### 5.2 Private Roads and Ways

New private roads and ways in open moorland<sup>1</sup> areas will not be permitted unless they:

- a) are designed to minimise landscape and environmental impacts; and
- b) form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park.

<sup>1</sup> Open Moorlands are defined here as the land outside enclosed farmland, semi-improved grassland and forests, and includes heather moorland and montane habitats found on high ground across the National Park.

The landscapes of the National Park are important, so development proposals should relate to the distinctive characteristics and qualities of the landscape. All development proposals must demonstrate how they have avoided adverse effects on the landscape. This guidance provides advice on what needs to be considered and provides links to other useful sources of information.

In addition to using this guidance, cross reference to other Local Development Plan policies and their guidance (where present) will be required to ensure that relevant and often overlapping issues are considered. For example, Policy 3 design and placemaking, Policy 4 natural heritage and Policy 9 cultural heritage may apply.

## **Landscape considerations in the Park**

All landscapes within the Park have a high sensitivity to change, reflecting the National Park designation as an IUCN

Category 5 Protected Landscape<sup>2</sup>. A development does not have to be located within or in close proximity to a specific landscape or people to have an effect on them. This is because the landscape and visual effects of development can be experienced over a large distance. This means that it is important to carefully consider the study area for any proposed development within which there could be adverse effects.

The main landscape and visual considerations in the Park for development proposals are identified in the following sections.

## **Special landscape qualities of the Park**

The exceptional quality of the landscape within the Park was a strong influence for its designation as a National Park. The special landscape qualities (SLQs) of the

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<sup>2</sup> More information on IUCN Category 5 Protected Landscapes can be found via <https://www.iucn.org/theme/protected-areas/about/protected-areas-categories/category-v-protected-landscapes/seascape>.

Park are formed from the combination of landscape character and visual amenity and how these are experienced by people, which in turn are influenced by factors such as landform, vegetation, rivers, land use, access routes and how people perceive and value the landscapes within the Park.

More information about the SLQs can be found via <https://cairngorms.co.uk/caring-future/cairngorms-landscapes/cairngorms-special-landscape-qualities/>.

## **National Scenic Areas**

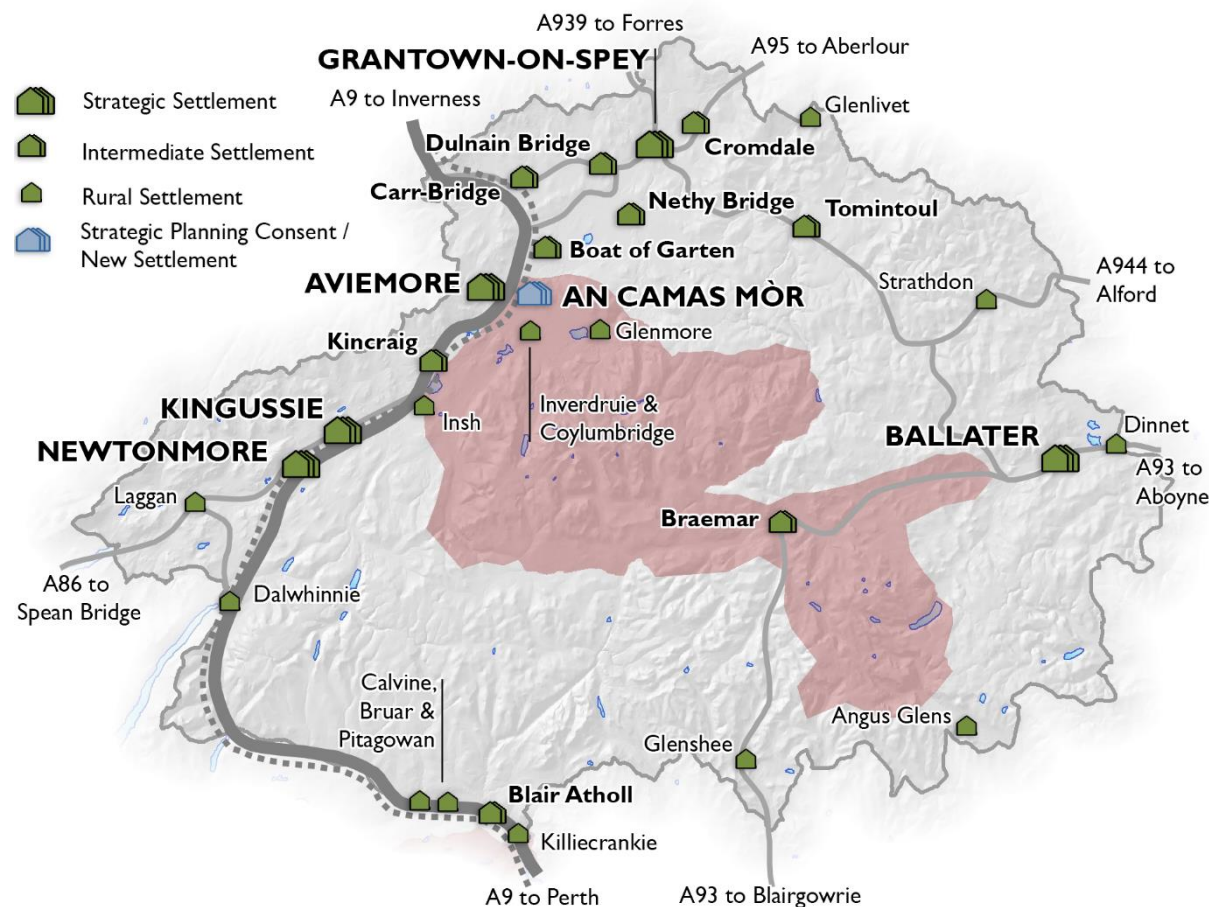
National Scenic Areas (NSAs) are defined in legislation as being areas of outstanding scenic value in a national context. There are two NSAs wholly within the Park (The Cairngorms Mountains NSA, Deeside and Lochnagar NSA shown in figure 1), with one further NSA just overlapping the edges of the Park at Killiecrankie, near Blair Atholl (Loch Tummel NSA). Maps of the NSAs and information about them can be found via Site Link <https://sitelink.nature.scot/home>.



Scottish Natural Heritage (SNH) have described the special qualities of NSAs outwith the Park, and separately as SLQs for the Park as a whole. (The special qualities of the NSAs within the Park were not individually described, as it was considered that the NSA qualities were already described by way of the SLQs description for the whole Park.) Information on the special qualities of both NSAs and the Park can be found via <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/national-designations/national-scenic-areas/nsa-special-qualities>.

## Wild Land Areas

Wild Land Areas (VLAs) were identified by SNH as the most extensive areas of wildness, measured using four attributes: perceived naturalness of the land cover; ruggedness of terrain; remoteness from public roads, ferries or railway stations; visible lack of buildings, roads, pylons and other modern artefacts.



**Figure 1** – The Cairngorms Mountains NSA and the Deeside and Lochnagar NSA (shown in pink)

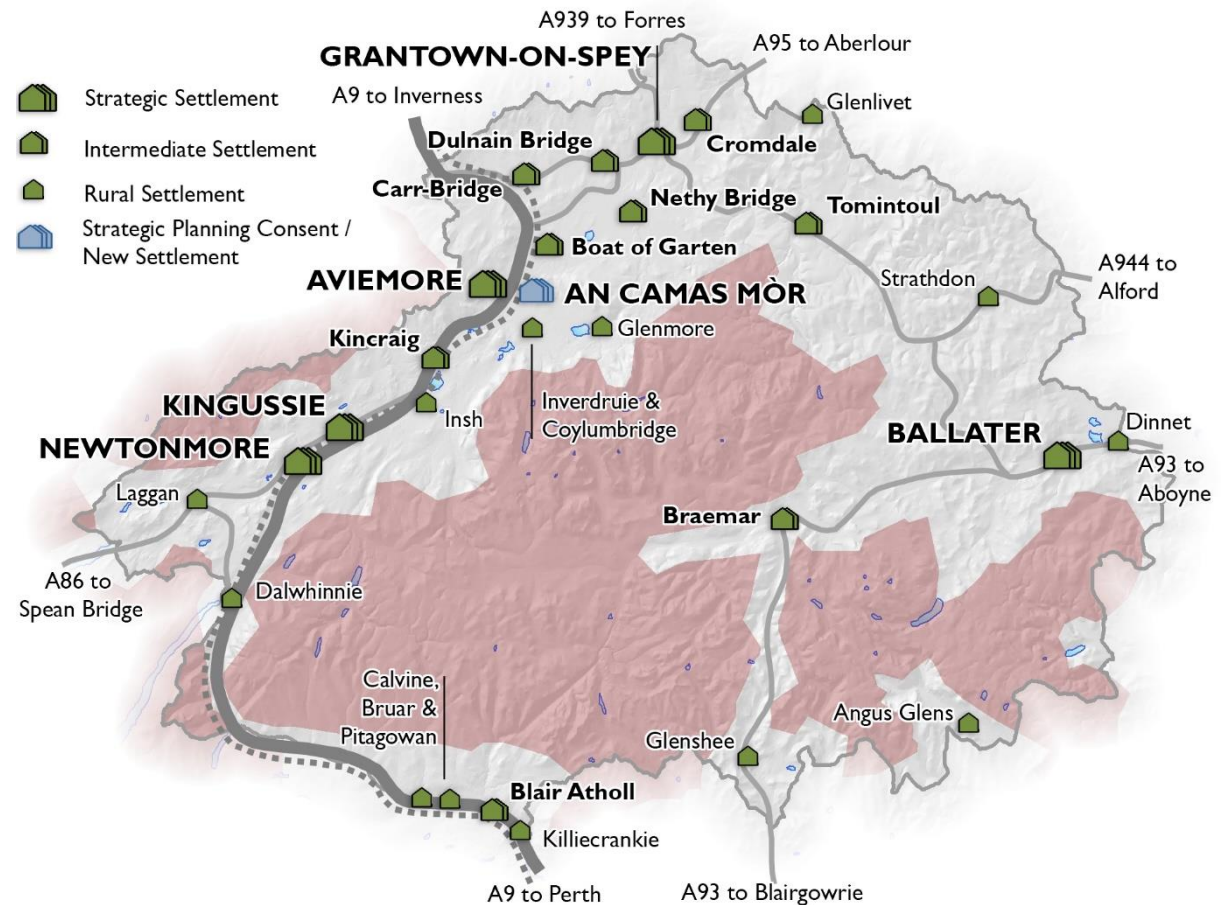
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The qualities identified by SNH in the WLA descriptions also include perceptual attributes, such as a sense of sanctuary, inspiration of awe, etc.

Two WLAs are found mainly within the Park (WLAs 15 Cairngorms and 16 Lochnagar – Mount Keen), with three more overlapping the edges of the Park (WLAs 14 Rannoch – Nevis – Mamores – Alder, 19 Braeroy – Glenshira – Creag Meagaidh and 20 Monadhliath) (figure 2). Maps and information about the WLAs, including their wildness qualities, can be found via <https://www.nature.scot/wild-land-area-descriptions>.

## Landscape character

The National Park is characterised into different landscape character areas. Within each area, there is a consistency of key landscape characteristics influenced by aspects such as topography, land use, historic landscape features and settlement, as well as how the landscape is experienced.



**Figure 2** – area of the Park covered by Wild Land Areas (shown in pink)

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Within the glens and straths there is more diversity of landscapes in a smaller area, whereas in the uplands the landscape tends to be similar over much larger areas.

SNH have identified and mapped broad landscape character types across Scotland. Information and mapping is available via <https://www.nature.scot/professional-advice/landscape/landscape-character-assessment/scottish-landscape-character-types-map-and-descriptions>.

The Park Authority has identified and described landscape characteristics within the Park boundary, identifying smaller areas of distinctive characteristics. This can help with assessment of smaller scale development proposals, and is available via <https://cairngorms.co.uk/caring-future/cairngorms-landscapes/landscape-areas/>.

## Private roads and ways

The term ‘private roads and ways’ has specific meaning in planning<sup>3</sup>, being any road or path that is not maintained at the public expense. However private roads and ways tend to be experienced by the public as vehicle tracks (figure 3), so are commonly referred to as ‘tracks’ or ‘hill tracks’. In this guidance, the term ‘tracks’ is used as an inclusive term for all ‘private roads and ways’



**Figure 3** - vehicle track within the Park

<sup>3</sup> See Appendix F of the Scottish Government Planning Circular on Non-Domestic Permitted Development Rights, available via <https://www.gov.scot/publications/planning-circular-2-2015-consolidated-circular-non-domestic-permitted-development/pages/11/>

The construction and maintenance of tracks fall under two different areas of the planning system: those requiring planning permission, and those that have permitted development rights. Most tracks are likely to require full planning permission.

The exceptions to this are forestry and agricultural tracks, which may be permitted development but still need to go through the prior notification process to enable the relevant planning authority to advise whether permitted development applies in the particular circumstances, or if planning permission is required.

This is because the rules around what is/is not permitted development and under what circumstances are complex. For example, most permitted development rights do not apply in National Scenic Areas<sup>4</sup>.

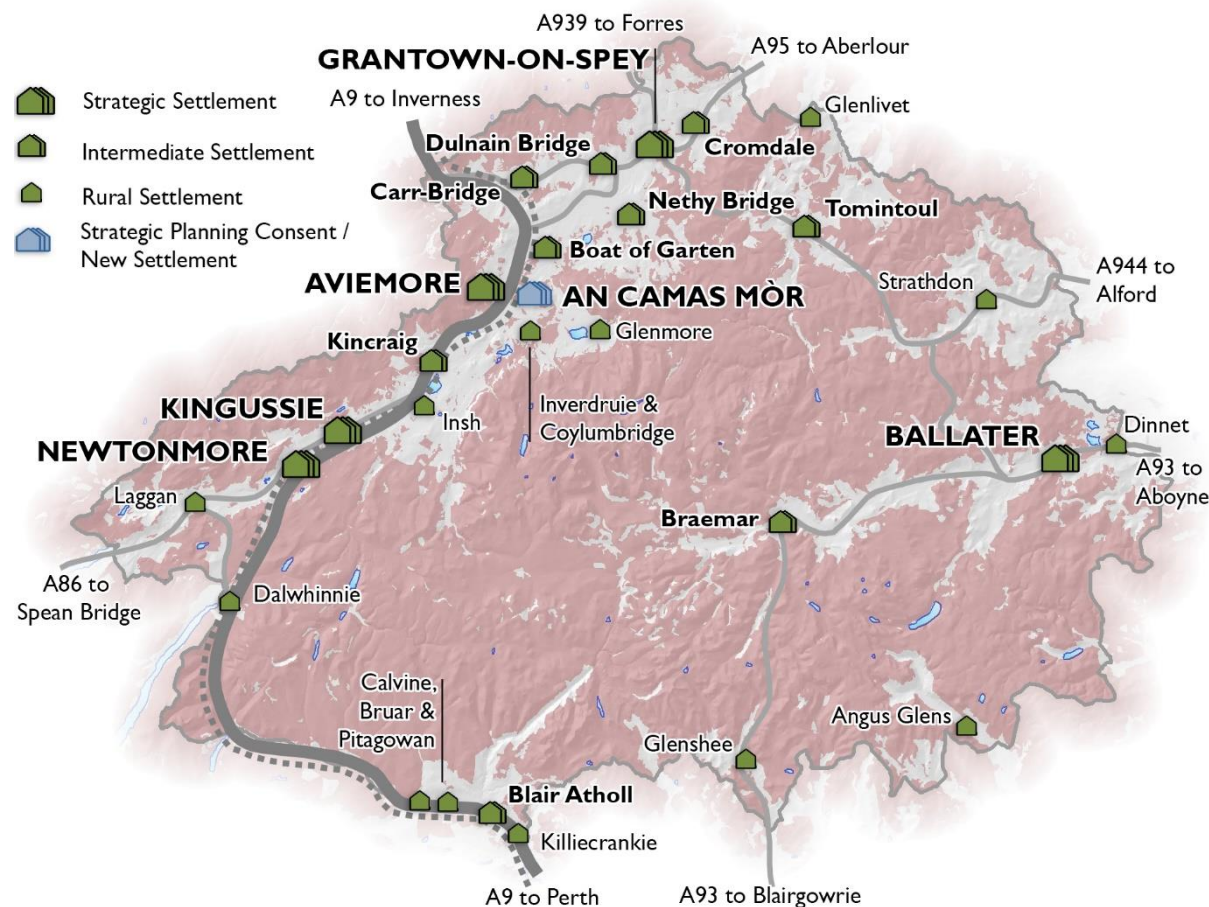
<sup>4</sup> See Development Management and NSAs, available via <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/national-designations/national-scenic-areas/development-management-and>



The Park Authority guidance on Planning Permission and Permitted Development Rights for Agricultural and Forestry Private Ways<sup>5</sup> should therefore be referred to. Regardless of the process tracks go through, the development of a track can have landscape and visual effects far greater than the footprint of a track itself. This can be reduced by sensitive siting and design, and following good practice during construction and maintenance<sup>6</sup>. However in some locations significant adverse landscape and visual effects are unavoidable and so tracks will not be appropriate (figure 4). To avoid issues at a later stage, advice on whether planning or permitted development applies and the potential for adverse effects should be sought from the relevant planning authority at the earliest stage for both new tracks and proposed upgrades to existing tracks.

<sup>5</sup> <https://cairngorms.co.uk/wp-content/uploads/2019/10/101019PANForestryandAgriculturalTracksFINAL.pdf>

<sup>6</sup> See SNH advice on Constructed Tracks in the Scottish Uplands  
<https://www.nature.scot/constructed-tracks-scottish-uplands>



**Figure 4** - upland and moorland classifications covering the Park (shown in pink). The effect of Policy 5.2 is that there will be a presumption against new hill tracks in these areas.

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## Assessing effects of development on landscape interests

The assessment of landscape and visual impacts should follow the process and incorporate the mitigation hierarchy shown in figure 5 (overleaf) from the outset. This should enable development to be designed to avoid, minimise and mitigate adverse effects while optimising opportunities.

Details of the assessments carried out and how they have been used to inform the siting and design of the proposed development should be submitted with planning applications as supporting information. Assessments should include consideration of effects during construction and operation over the life cycle of the proposed development, as well as whether there could be cumulative effects with other development (existing and proposed).

Table 1 (shown after figure 5) identifies different types of assessment that may be

required to support development proposals in the Park. The number and level of assessment(s) will vary depending on the type of development proposed and the sensitivities of the proposed development site and surrounding area.

Table 2 provides references and links to sources of guidance and information current at the time of publication. Many of these sources are provided by other organisations so will be subject to change over time. Readers should ensure that they use the most up to date published version. If in doubt, advice should be sought from the publisher and/or relevant planning authority.

Some development proposals may require formal detailed Landscape and Visual Impact Assessment (LVIA) as part of an Environmental Impact Assessment<sup>7</sup>, while others may only require some of the

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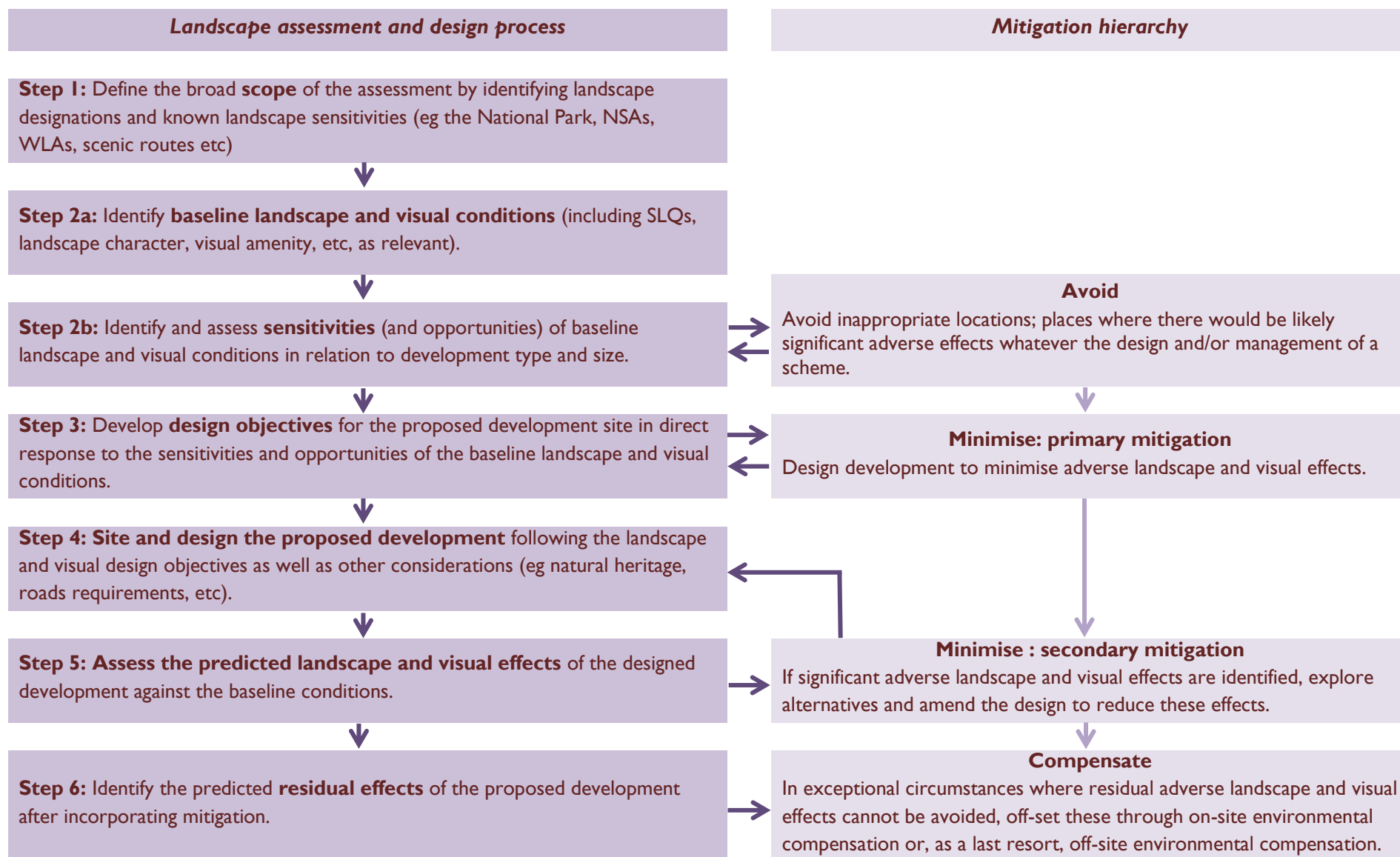
<sup>7</sup> More information about Environmental Impact Assessment can be found via <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/environmental-impact-assessment>.

assessments identified in Table 1. Therefore early engagement with the relevant planning authority is strongly recommended so that the scope and type(s) of landscape assessment can be agreed at the earliest stage for each proposed development.

## Other sources of information

In addition to the sources listed in Table 2, the following are of relevance:

- Placemaking: guidance on placemaking in the Park can be found via **link to be added once published**
- Dark skies: information on the Tomintoul and Glenlivet Dark Skies Park can be found via <https://darkskies.glenlivet-cairngorms.co.uk/>. Advice on development in the dark skies area can be found via **link to be added once published**



**Figure 5** – standard landscape assessment and design process, incorporating the mitigation hierarchy

**Table 1** – sources of guidance and information for different steps in the landscape assessment and design process (links and references are provided in Table 2)

Existing guidance/information (* if relevant to the type of development being proposed)	Guidelines for Landscape & Visual Impact Assessment	Cumulative LVIA	NSA and Park SLQ descriptions	Effects on NSA and Park SLQs	WLA descriptions	Effects on WLAs	Landscape Character Type/ area descriptions	NPF / SPP	Creating Places *	Design statements	Residential visual amenity assessment	Tracks *	SuDS *	Wind farms*	Visualisations
Steps in the assessment process															
<b>1 Define scope of assessment</b>	✓	✓		✓		✓		✓	✓		✓				✓
<i>All steps below: use the mitigation hierarchy to identify mitigation measures</i>	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
<b>2 Assess (a) baseline conditions and (b) sensitivities</b>	✓	✓	✓		✓						✓				
<b>3 Develop design objectives</b>	✓							✓	✓	✓		✓	✓	✓	
<b>4 Site and design proposed development</b>	✓	✓						✓	✓			✓	✓	✓	
<b>5 Assess and describe predicted effects then repeat for</b>															
<b>6 Identify predicted residual effects after incorporating mitigation</b>															
• Effects on landscape character	✓	✓	✓				✓					✓	✓	✓	
• Effects on visual amenity	✓	✓	✓						✓		✓	✓	✓	✓	
• Effects on SLQs				✓					✓			✓	✓	✓	
• Effects on WLAs						✓						✓	✓	✓	
• Effects on designed landscapes	✓	✓		✓								✓	✓	✓	
• Cumulative effects	✓	✓		✓		✓					✓	✓	✓	✓	
• Illustrations to inform assessment of effects	✓														✓



**Table 2** – links and references for the guidance referred to in Table 1

Guidance name	Reference	Link
<b>Guidelines for Landscape and Visual Impact Assessment (GLVIA)</b>	Landscape Institute and Institute of Environmental Management and Assessment (2013) <i>Guidelines for Landscape and Visual Impact Assessment</i> . 3 <sup>rd</sup> ed. Abingdon, Routledge.	<a href="https://www.landscapeinstitute.org/technical/glvia3-panel/">https://www.landscapeinstitute.org/technical/glvia3-panel/</a>
<b>Cumulative LVIA</b>	General: GLVIA as above. For wind farms: Scottish Natural Heritage (2012) <i>Guidance – Assessing the cumulative impact of onshore wind energy developments</i> .	General: as above. For wind farms: <a href="https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/advice-wind-farm">https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/advice-wind-farm</a>
<b>NSA and Park SLQ descriptions</b>	Scottish Natural Heritage (2010) The Special Qualities of the National Scenic Areas: SNH Commissioned Report No. 374 Scottish Natural Heritage and CNPA (2010) <i>The special landscape qualities of the Cairngorms National Park</i> . SNH Commissioned Report No 375	Both available via: <a href="https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/national-designations/national-scenic-areas/nsa-special-qualities">https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/national-designations/national-scenic-areas/nsa-special-qualities</a>
<b>Effects on NSA and Park SLQs</b>	SNH (2018) <i>Guidance for assessing the effects on special landscape qualities</i> . <b>currently in draft</b>	<b>link to be added once published</b>
<b>WLA descriptions</b>	Scottish Natural Heritage (2017) <i>Wild Land Area Descriptions: 14 Rannoch – Nevis – Mamores – Alder, 15 Cairngorms; and 16 Lochnagar – Mount Keen, 19 Braeroy – Glenshira – Creag Meagaidh and 20 Monadhliath</i>	<a href="https://www.nature.scot/wild-land-area-descriptions">https://www.nature.scot/wild-land-area-descriptions</a>
<b>Effects on WLAs</b>	Scottish Natural Heritage (2017) <i>Assessing impacts on Wild Land Areas: Technical guidance</i>	<a href="https://www.nature.scot/professional-advice/landscape/landscape-policy-and-guidance/assessing-impacts-wild-land-areas-draft-guidance">https://www.nature.scot/professional-advice/landscape/landscape-policy-and-guidance/assessing-impacts-wild-land-areas-draft-guidance</a>
<b>Landscape Character Type/area descriptions</b>	Scottish Natural Heritage (2019) landscape character types mapping and information CNPA landscape character areas mapping and information	SNH LCT descriptions: <a href="https://www.nature.scot/professional-advice/landscape/landscape-character-assessment/scottish-landscape-character-types-map-and-descriptions">https://www.nature.scot/professional-advice/landscape/landscape-character-assessment/scottish-landscape-character-types-map-and-descriptions</a> CNPA landscape character area descriptions: <a href="https://cairngorms.co.uk/caring-future/cairngorms-landscapes/landscape-areas/">https://cairngorms.co.uk/caring-future/cairngorms-landscapes/landscape-areas/</a>

<b>National Planning Framework (NPF) and Scottish Planning Policy (SPP)</b>	Scottish Government (2014) <i>National Planning Framework and Scottish Planning Policy</i>	<a href="https://www.gov.scot/policies/planning-architecture/">https://www.gov.scot/policies/planning-architecture/</a>
<b>Creating Places</b>	Scottish Government (2013) <i>Creating Places: a policy statement on architecture and place for Scotland</i>	<a href="https://www.gov.scot/publications/creating-places-policy-statement-architecture-place-scotland/">https://www.gov.scot/publications/creating-places-policy-statement-architecture-place-scotland/</a>
<b>Design statements</b>	Scottish Government (2003) <i>Pan 68: Design Statements.</i>	<a href="https://www.gov.scot/publications/planning-advice-note-68-design-statements/">https://www.gov.scot/publications/planning-advice-note-68-design-statements/</a>
<b>Residential visual amenity assessment (RVAA)</b>	Landscape Institute (2019) <i>Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19</i>	<a href="https://www.landscapeinstitute.org/technical-resource/rvaa/">https://www.landscapeinstitute.org/technical-resource/rvaa/</a>
<b>Tracks</b>	Scottish Natural Heritage (2015) <i>Constructed tracks in the Scottish uplands.</i> 2 <sup>nd</sup> ed.	<a href="https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/planning-and-development-good-practice-construction">https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/planning-and-development-good-practice-construction</a>
<b>SuDS</b>	Woods Ballard et al. (2015) <i>The SuDS Manual (C697).</i> CIRIA Landscape Institute (2014) <i>Management and Maintenance of Sustainable Drainage Systems (SuDS) Landscapes</i>	CIRIA: <a href="https://www.ciria.org/ItemDetail?iProductCode=C753F&amp;Category=FREEPUBS">https://www.ciria.org/ItemDetail?iProductCode=C753F&amp;Category=FREEPUBS</a> Landscape Institute: <a href="https://www.landscapeinstitute.org/technical-resource/sustainable-drainage-systems/">https://www.landscapeinstitute.org/technical-resource/sustainable-drainage-systems/</a>
<b>Wind farms</b>	Scottish Natural Heritage (2017) <i>Siting and designing wind farms in the landscape</i> (version 3a)	<a href="https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/wind-farm-impacts">https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/wind-farm-impacts</a>
<b>Visualisations</b>	Landscape Institute (2019) <i>Visual representation of development proposals</i> Scottish Natural Heritage (2017) <i>Visual representation of wind farms</i>	Landscape Institute: <a href="https://www.landscapeinstitute.org/visualisation/">https://www.landscapeinstitute.org/visualisation/</a> SNH: <a href="https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/wind-farm-impacts">https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/wind-farm-impacts</a>

## **Cairngorms National Park Local Development Plan 2020**

### **Non-statutory guidance**

#### **Policy 5 – Landscape**

This document is available in large print on request. Please contact the Cairngorms National Park Authority on 01479 873535. It is also available to view at [www.cairngorms.co.uk](http://www.cairngorms.co.uk)

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