

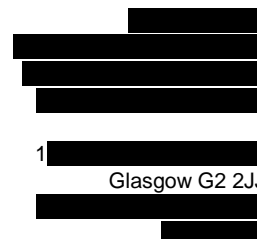
**Proposed Local Development Plan
Consultation Responses 077-090
November 2013**

Objector Ref	Objector Name
077	Invercauld Estate
078	D Fairlie Partnership
079	Mar Estate
080	Badenoch and Strathspey Conservation Group
081	Alison Day
084	Grantown on Spey Community Council
087	Scottish Campaign for National Parks
090	Victor Jordan

5 July 2013
13 07 05 cnpa braemar proposed plan



Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB



Sent by email: localplan@cairngorms.co.uk

Dear Sir / Madam

**Cairngorms National Park
Proposed Local Development Plan - Braemar**

We write on behalf of the Invercauld Estate in relation to the Cairngorms National Park Proposed Local Development Plan. Invercauld Estate is fully committed to participating in the preparation of the Local Development Plan ('LDP') having responded to the previous 'Call for Sites' consultation in 2010, the Main Issues Report consultation in 2011, and the Settlement Maps Informal consultation in 2012.

Our response to the Settlement Map consultation in 2012 noted the statement in the Main Issues Report that the community is keep to maintain itself as vibrant and viable into the future. We supported the Braemar masterplan exercise which took place in 2011. The Invercauld Estate's considers that the Proposed LDP does not go far enough to reflect the work undertaken in the masterplanning process.

We have the following detailed comments in relation to the Proposed LDP:

Housing

As stated in the response to the Settlement Maps consultation, we request that the northern half of the site known as 'Land South of Balnellan' (Site 35f in the MIR Background Evidence Report 5 Site Analysis) is included in the LDP as a housing site and the settlement boundary is amended to reflect this. This site scored relatively well in the MIR analysis; the landscape analysis noted *'the northern edge of site abuts a fairly recent housing development on Balnellan Road. Some possible scope for expansion from this edge up to the burn that divides the site'* and that *'part of this site could be developed.'*

The Proposed Plan relies on developments which already have planning permission to provide for the bulk of housing demand in the next five years. We consider that the Proposed Plan provides an under allocation of housing sites and that additional allocations are required to provide for local housing with affordable requirements. In addition we consider that the local development plan should allocate land for development in Braemar for the current plan period and future plan periods (future opportunity housing) to provide a vision and element of certainty as to how the settlement may develop and help the community remain sustainable.



Land to the north of Invercauld Arms

We support the recognition that there are opportunities to create a significant opportunity for inward investment on land to the north of the village adjacent to the Invercauld Arms.

We request that, in addition to the inward investment site, part of this site is allocated for future opportunity housing. The masterplan exercise proposed that part of this area to the north of the Invercauld Arms would be appropriate for housing and that commercial developments could be supported / cross funded through new housing development. It is therefore requested that the settlement boundary is extended to include the land to the north of Invercauld Arms.

Tourism Development

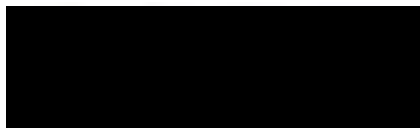
As stated in the representation from the Settlement Maps consultation Invercauld Estate recognises that tourism is a key element of the economy in Braemar. Invercauld Estate supports the development of more structured tourism accommodation in the village and requests that the LDP reflects this. It is requested that the land immediately to the south of Braemar Caravan Park is included in the LDP as an area for tourism accommodation.

In summary, we:

- request that the northern half of the land known as 'Land South of Balnellan' (Site 35f in the MIR Background Evidence Report 5 Site Analysis) is included in the LDP as a housing site and the settlement boundary is amended to reflect this;
- support the recognition that there are opportunities to create a significant opportunity for inward investment on land to the north of the Invercauld Arms and we request that, in addition to the inward investment site, part of this site is allocated for future opportunity housing and the settlement boundary is amended to reflect this;
- request that the land immediately to the south of Braemar Caravan Park is included in the LDP as an area for tourism accommodation.

We trust that you will take these comments on board. Invercauld Estate would welcome further discussion with the CNPA on this representation and the preparation of the LDP.

Yours sincerely

A large black rectangular redaction box covering the signature of the sender.

Iain Pattenden
Associate Director

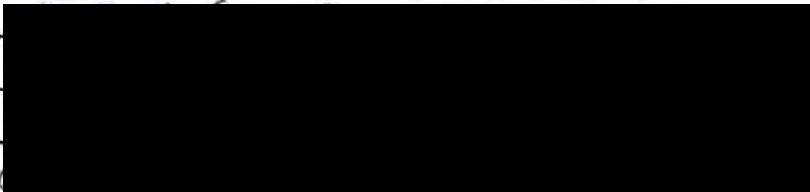

Cc Invercauld Estate

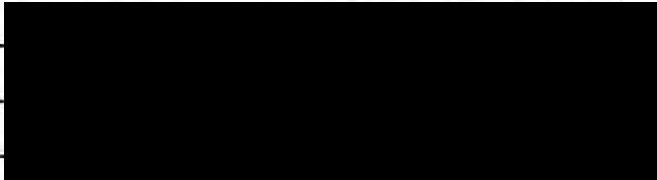


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1. Name SAVILLS
Address 
Telephone 

2. If you are representing a third party, please give their details.
Name INVERCAULD ESTATE
Address 
Telephone  Email 

To which address do you wish all correspondence to be directed? (please tick)

Own ☐ Agent ☒

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
PLEASE REFER TO ATTACHED LETTER (BRAEMAR)

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
PLEASE REFER TO ATTACHED LETTER

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

PLEASE REFER TO ATTACHED LETTER

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5 July 2013
13 07 05 CNP Ballater



Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

Iain Pattenden

Sent by email: localplan@cairngorms.co.uk

Dear Sirs

**Cairngorms National Park
Proposed Local Development Plan – Monaltrie Park, Ballater**

We write on behalf of our client, the Invercauld Estate, and welcome the opportunity to submit comments to the Cairngorms National Park (CNP) Proposed Local Development Plan (the Proposed Plan). This letter details the representations to the Proposed Plan in relation to land at Ballater, known as the Monaltrie Park site.

Our client is committed to participating in the Local Development Plan process. Detailed representations to the Settlement Maps consultation in respect of the land at Monaltrie Park were submitted in September 2012. The September 2012 representations are enclosed.

This representation should be read in conjunction with the September 2012 representations which set out a detailed assessment of the development context and housing land requirement and demand.

The Proposed Plan identifies land at Monaltrie Park as Proposal H1. The land shown on the proposals map in dark brown is allocated for 'housing, first phase'. The land shown in yellow is allocated for 'housing, future phase'.

The Proposed Plan states the following in relation to site H1:

'H1 – Monaltrie Park – provides an opportunity for housing and mixed use. The site has a capacity for around 50 units to meet the needs of the community for the Plan period. Should future needs require, land adjacent to the site will be released to consolidate the development with the village.'

Development of the site and its adjacent land will require the preparation of a masterplan looking at the long term expansion options for this part of Ballater. This should be founded on the work already published by the Prince's Foundation. The masterplan will include:

- *Clarity that no development will take place below the 193.8 metre contour and minimum finished floor level of 194.3 metres or above DD*
- *Details of all mixed use proposed for the site as a whole, including the scope for the provision of services for residents, day visitors and tourists*
- *Design details which reflect Ballater's special character. This should include an innovative approach to design and layout including access and movement within the site, with a variety of densities and designs and pockets of mixed uses*
- *The method to ensure appropriate protection of the historic quality of the existing conservation area and Listed buildings, including the B listed Monaltrie House, and their settings*

- *The approach to incorporate and enhance Monaltrie Park as a core part of the new development, ensuring adequate space for the use of existing sports pitches and parking for events including the Ballater Games*
- *The way in which the development will link to the existing paths network, and in particular the way the development links to the core of the village, the primary school and the Deeside Way*
- *The sustainability measures to be incorporated*
- *The provision made for habitat protection and enhancement*
- *Landscaping and structure planting to ensure integration of the development with the existing landscape.*

As set out in the September 2012 representations, the site is effective in terms of Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits.

We support Proposal H1 and the masterplan approach.

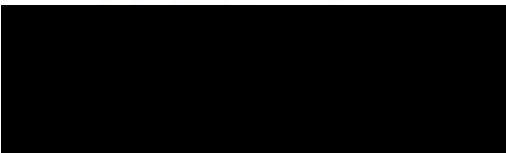
We support the allocation of Proposal H1 on the Proposals Map. We suggest the precise boundary of the initial phase could be determined by the masterplan process.

We object to the Proposals Map showing areas as 'open space', within the settlement boundary, for land which was previously allocated for housing as part of the Monaltrie Park site in the Adopted Local Plan. We request that these areas are identified for development as part of the masterplan for site H1. This would allow flexibility in the designation of open space areas and forms of sensitive development through the detailed masterplan design process.

We hereby reserve the right to withdraw this representation at any stage of the preparation of the Local Development Plan.

We trust that you will take these comments on board. Invercauld Estate would welcome further discussion with the CNPA on this representation and the preparation of the LDP.

Yours sincerely



Iain Pattenden
Associate Director

Enc.

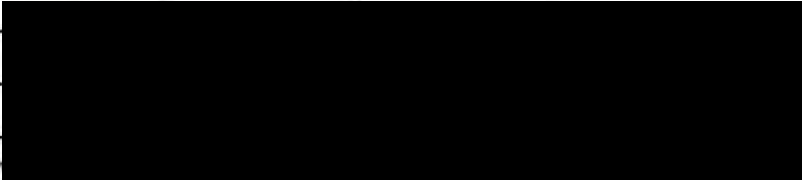
Cc, Invercauld Estate

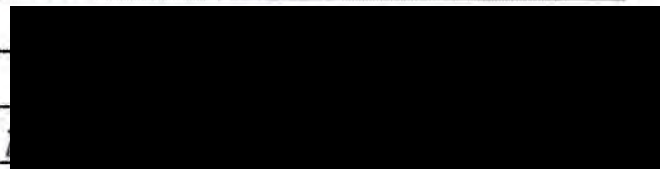
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1. Name SAVILLS
Address 
Telephone 01463 811111

2. If you are representing a third party, please give their details.
Name INVERCAULD ESTATE
Address 
Telephone / Email /

To which address do you wish all correspondence to be directed? (please tick)

Own ☐ Agent ☒

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
PLEASE REFER TO ATTACHED LETTER (PROPOSAL H12 BALLATER)

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
PLEASE REFER TO ATTACHED LETTER

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

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-Proposed Local Development Plan (Version: 2013)

Your Details

Your Name:	D Fairlie Partnership
Organisation Name:	D Fairlie Partnership
Agent Name:	c/o Emac Planning LLP
Address 1:	
Site Name:	Monaltrie Park (Ref H1)
Contact Person:	Me

Your comments will be applied to the following items:

1 Introduction - Paragraph 1.16

It is considered that the Proposed LDP should, whilst acknowledging the vision of the Cairngorms National Park Partnership Plan (NPPP) 2012-2017, also provide for a land use vision for the LDP itself. This vision should ensure that the LDP seeks to continue to promote and support sustainable economic growth, protect and enhance built and natural heritage, invest in green infrastructure and promote and support residential and mixed-use development of a high quality design. New development should be directed to the main settlements such as Ballater, that is, to locations that are capable of delivering new development, which support existing services without placing undue burden on existing infrastructure. In particular the vision should seek to secure new development that is also capable of delivering growth, including securing much needed affordable housing. Such a vision would support the stated objectives contained in the Cairngorms NPPP, 2012-2017 for creating a sustainable economy supporting thriving businesses and communities.

LDP supplementary guidance and core paths plan (Version: 2013)

Your Details

Your Name:	D Fairlie Partnership
Organisation Name:	D Fairlie Partnership
Agent Name:	Emac Planning LLP
Address 1:	
Address 2:	
Address 3:	
Postcode:	
Phone Number:	
Email Address:	
Site Name:	Monaltrie Park (Ref H1)
Contact Person:	My Agent

Your comments will be applied to the following items:

2 New Housing Development – Supplementary Guidance - Paragraph 2.11

The statement that all residential development must make a contribution is supported. Comments provided on the Proposed LDP suggested that the same target percentage for affordable housing and should be applied to all sites, including those of 4 houses or less and that the applicable financial contribution should not be discounted.

2 New Housing Development – Supplementary Guidance - Paragraph 2.12

There is some concern over the use of the Development Appraisal Toolkit. An exercise was carried out with the planning gain team at Aberdeenshire Council to explore the ability of the Ballater site to provide the required affordable housing on site. The results confirmed that the desires of the council and the CNPA could not be met by the development, but once this position had been reached there was no ability of the CNPA to then adjust matters in order to make development work and make progress. Using the toolkit may therefore still be valid as a mechanism, but there needs to be some form of formal approach needed to progress matters once the toolkit has been operated and it is clear that the levels of required contributions cannot be achieved. It is all very well having a formal toolkit, but this should not be used to just stop development from happening.

2 New Housing Development – Supplementary Guidance - Paragraph 2.16

Comments provided on the Proposed LDP suggested that the same target percentage for affordable housing and should be applied to all sites, including those of 4 houses or less and that

the applicable financial contribution should not be discounted.

2 New Housing Development – Supplementary Guidance - Paragraph 2.19

Comments provided on the Proposed LDP suggested that the same target percentage for affordable housing and should be applied to all sites, including those of 4 houses or less and that the applicable financial contribution should not be discounted. All developments place a burden on existing services and infrastructure and there should be equal contribution from all sites for affordable housing provision. There is some concern that the currently proposed concession for sites with less than 4 houses, will encourage small developments with potentially large, low density houses which will fail to contribute to local need.

2 New Housing Development – Supplementary Guidance - Paragraph 2.23

It may not always be possible to confirm the details of the residents in advance of permission being granted or that the residents of the development have a need to live in the locality chosen (bullets 1 and 2 apply) if, for example, the developer chooses to provide for affordable housing which is low-cost without subsidy or level entry housing. It is suggested that paragraph 2.23 is amended to state that the information required by the first 2 bullets 'may' be requested depending on the type of affordable housing provision.

2 New Housing Development – Supplementary Guidance - Paragraph 2.25

It may not always be possible to confirm the details of the residents in advance of permission being granted or that the residents of the development have a need to live in the locality chosen (bullets 1 and 2 apply) if, for example, the developer chooses to provide for affordable housing which is low-cost without subsidy or level entry housing. It is suggested that paragraph 2.23 is amended to state that the information required by the first 2 bullets 'may' be requested depending on the type of affordable housing provision.

3 Supporting Economic Growth – Supplementary Guidance

This Policy is supported, together with its objectives.

4 Sustainable Design – Supplementary Guidance

This Policy is supported, together with its objectives.

11 Developer Contributions – Supplementary Guidance

Whilst the Policy approach contained in the Proposed LDP is supported subject to confirmation that such requirements will be sought in accordance with the legislative and policy requirements contained in Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

11 Developer Contributions – Supplementary Guidance - Paragraph 11.12

It is suggested that a benchmark requirement of 20% of open space provision, will 'generally' be required. There may be some circumstances where the quality and nature of the design of a development may justify waiving a precise standard.

Objection No:

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I. Name
Address
.....
Postcode
Telephone Email

2. If you are representing a third party, please give their details.

Name MAR ESTATE

Address C/O AGENT ABOVE

Postcode

Telephone Email

Own	
-----	--

Agent [REDACTED]

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

BRAEMAR SETTLEMENT STATEMENT AND HOUSING LAND

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

SEE SECTION 2.6 OF THE ATTACHED STATEMENT

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

SEE SECTION 2.6 OF THE ATTACHED STATEMENT

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AB35 5QB

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1. Name	HALLIDAY FRASER MUNRO		
Address	[REDACTED]		
	[REDACTED]		
	Postcode	[REDACTED]	
Telephone	[REDACTED]	Email	[REDACTED]

2. If you are representing a third party, please give their details.			
Name	MAR ESTATE		
Address	C/O AGENT ABOVE		
	Postcode		
Telephone		Email	

To which address do you wish all correspondence to be directed? (please tick)

Own ☐

Agent ☒

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
LANDSCAPE (PAGES 31-33)

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
SEE SECTION 2.4 OF THE ATTACHED STATEMENT

4. Continued

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1. Name	HALLIDAY FRASER MUNRO		
Address	[REDACTED]		
	[REDACTED]		
	Postcode	[REDACTED]	
Telephone	[REDACTED]	Email	[REDACTED]

2. If you are representing a third party, please give their details.			
Name	MAR ESTATE		
Address	C/O AGENT ABOVE		
	Postcode		
Telephone		Email	

To which address do you wish all correspondence to be directed? (please tick)

Own ☐

Agent ☒

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RENEWABLE ENERGY (PAGES 34-36)

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SEE SECTION 2.5 OF THE ATTACHED STATEMENT

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SEE SECTION 2.5 OF THE ATTACHED STATEMENT

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1. Name	HALLIDAY FRASER MUNRO		
Address	C [REDACTED]		
	[REDACTED]		
	Postcode	[REDACTED]	
Telephone	[REDACTED]	Email	[REDACTED] K

2. If you are representing a third party, please give their details.			
Name	MAR ESTATE		
Address	C/O AGENT ABOVE		
	Postcode		
Telephone		Email	

To which address do you wish all correspondence to be directed? (please tick)

Own ☐

Agent ☒

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
SUPPORTING ECONOMIC GROWTH

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
SEE SECTION 2.3 OF THE ATTACHED STATEMENT

4. Continued

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SEE SECTION 2.3 OF THE ATTACHED STATEMENT

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Cairngorms National Park Proposed Local Development Plan – Response (July 2012) – Comments on behalf of Mar Estate

1.0 General/Introduction

This report represents the view of the Mar Estate on the Cairngorms National Park Proposed Local Development Plan (PLDP). It has been prepared on their behalf by Halliday Fraser Munro and concentrates on key issues for discussion. This response covers the issues as set out in the PLDP and individual consultation forms have been prepared for each change suggested in the following report.

2.0 Responses

2.1 The Vision and Spatial Strategy (pages 10 & 12)

This section recognises the vision as set out in the National Park Partnership Plan (NPPP) as:

“An outstanding National Park, enjoyed and valued by everyone, where nature and people thrive together.”

RESPONSE – Vision and Strategy

We welcome the balanced approach set out in the Vision and Spatial Strategy and in particular the aim of delivering the four aims of the national park together, developing a strong and sustainable economy and encouraging young people to stay in the Park and attracting economically active people to come and live in the Park.

We also welcome that Braemar is included within Figure 4: Strategy Diagram (Page 7) as part of “the focus for economic growth and diversification” and, as an identified settlement as a focus for new housing. However, we don’t believe this strategy has been reflected in the actual allocations at Braemar. This will be covered in more detail later in this report. We do not suggest any changes to the Vision or Spatial Strategy but suggest that the land allocations and the LDP in general should be more forward thinking and proactive in order to deliver the vision.

2.2 Policies – New Housing Development (pages 16-19)

Page 16 of the PLDP asks “What will we achieve in the next 5 years?” and goes on to suggest “In the next 5 years we will have created opportunities for the right type of housing, in the right place, that makes a positive contribution to local communities. Developers will have confidence to invest. In turn communities will have the support they need to become and remain thriving places where people enjoy a sense of wellbeing.”

We agree with the above as a mission statement. We don’t necessarily agree that the allocations, particularly in Braemar, support this goal. In general the land allocations have a westwards bias.

RESPONSE – Housing Policies

Housing in Settlements – if this policy is to stand then settlement boundaries need to be realistic and allow for settlements to expand appropriately. Many of the settlement boundaries, especially in the Aberdeenshire part of the Park, are based on arbitrary historical settlement boundaries with little justification.

Braemar is a case in point where the settlement boundary has been roughly the same for many years. It has changed historically in limited areas to adopt new development but now remains static with no scope for the settlement to expand appropriately, or to reflect the situation on the ground. **We have suggested that the settlement boundary at Braemar is altered later in this response – see Section 2.6 of this response.**

Housing in Rural Groups – we support this approach as a flexible and realistic policy approach to rural housing.

Other Housing in the Countryside – many rural businesses require associated housing to make them operationally viable. We therefore support this policy aspect.

General Comment – the approach to new housing in the Park through this suite of policies is progressive and positive and therefore generally supported.

2.3 Supporting Economic Growth

Economic growth is key to making the Park a sustainable and attractive place to live. But it is also one of the most difficult aspects to make happen for a number of reasons including location, proximity to the market, proximity to larger population centres and the ability to create enough turnover for a business to become viable and sustainable. Some businesses, such as field sports, require the wide open spaces and remoteness to make them attractive to their users. Others require a critical mass of people living locally.

Economic development policies in the Park need to be wide-ranging and proactive to take advantage of the Park's unique characteristics whilst protecting them at the same time.

At the MIR stage the preferred option was to highlight the different communities in the Park and support appropriate opportunities for economic development, services and facilities within them. This policy section sets out individual policies on retail, tourism and leisure, other economic development and protection of economic development opportunities.

RESPONSE – Economic Growth

The LDP should recognise all forms of economic development, including field sports.

2.4 Landscape (pages 31 – 33)

At the MIR stage we responded to a similar point suggesting that the towns, villages and groups of buildings within the landscape contribute to the value of that landscape as much as the landscape itself.

RESPONSE – Landscape Policy

This policy should recognise the contribution of existing settlements to the landscape character of the Park in both the explanation/justification and the policy itself. As it stands the policy could be used as a justification for refusing all development in the Park as all development will have an impact on the landscape setting. However, where that development is related to settlements the impact will be significantly less. **To ensure that the built landscape is considered as part of the decision making process it should be included within the “how it will be applied” section as a form of landscape setting.**

2.5 Renewable Energy (pages 34 – 36)

This policy covers all renewable energy developments and specifically supports hydropower, wind energy, biomass and energy from waste in particular circumstances. It supports an increase in the amount of renewable energy generated in the Park, whilst still maintaining the areas special qualities.

RESPONSE – Renewable Energy Policy

This policy is welcomed but experience indicates that achieving consent for small-scale wind energy development is more difficult than the policy suggests. The principles of this policy should be carried forward in new supplementary guidance and implementation information for the officers dealing with planning applications for this type of development.

2.6 Proposed Braemar Settlement Option (Pages 90 & 95)

The recent Braemar Strategic Options Study (Braemar SOS, 2011 – Document Ref: **ME1a and ME1b**) was mentioned in paragraph 11.6.2 of the Main Issues Report as a long-term view, setting out how the village could develop. The suggestion is that it will not impact on this Local Development Plan review but on future reviews. That seems to be the case in this PLDP as it remains static in terms of land allocations. However, we believe that it is this review that the Braemar SOS should start to influence if any of the strategic interventions are going to come to fruition.

RESPONSE – Braemar Settlement Statement

Mar Estate supports the recognition in the PLDP that Braemar is a tight-knit community that serves a wide area at the heart of the Cairngorms National Park. They also support the aim that it should be a vibrant community. In some ways it is and in others it suffers from significant issues. These were outlined in the draft Community Vision (**Ref: ME2**) and formed the basis for the Braemar SOS, 2011, which in turn set out some Key themes and Strategic Development Options to assist in dealing with these and ensuring that Braemar had a vibrant and viable future. In summary these were:

- **More employment opportunities locally** – options included an Adventure Tourism Centre, Small Business Support Centre and more new business land allocations.
- **Increased resident population and greater mix of ages** – options included additional housing sites to increase the variety of housing.
- **Affordable Homes to meet the local need** – options included an appropriate percentage of affordable housing on new allocated sites (as existing consents couldn't be altered to reflect this requirement) and a more detailed and local Housing Need and Demand Assessment be carried out for Braemar. There is very little information on this aspect available as the HNDA and Local Housing Strategies for Aberdeenshire can't be disaggregated, a point that is expanded upon later in this section.
- **Less holiday and second homes** – this was a major issue for Braemar and one that was considered to affect the viability of local businesses and services as well as the availability and inflated value of housing. An estimate has been suggested that 50% of the houses in Braemar are holiday homes or second homes. If that is to remain the case then we can anticipate that 50% of any future housing would also be used in that way thereby removing it from the available local supply. That is a fundamental point in trying to establish an appropriate supply of new housing in Braemar to meet local and second home requirements. The SOS also suggested a structured provision of holiday homes.
- **Improved Public Transport services** – this could be assisted by making Braemar more of a destination to support additional services.
- **Better Local Facilities/Shops** – a series of reconfigured spaces and places was suggested.
- **Tourism to remain an economic driver** – this again is key to Braemar's future success and a number of options were suggested.

These are all expanded upon in the Braemar SOS Stages 1 and 2 attached.

RESPONSE – Braemar Settlement Statement (Cont’d)

The purpose of the Braemar SOS (carried out on behalf of the CNP, local landowners and in conjunction with a community representative) was to inform the content of the PLDP. The key question, therefore, is how does the PLDP respond to these challenges. If the next Local Development Plan is to take the issues of community, social and economic services and the right housing in the right place seriously then it has to respond to these in its land use policies and allocations.

Mar Estate was encouraged by the Draft Settlement Plan issued in 2012 (**Doc ref: ME3**). It seemed to grasp a lot of the issues and potential solutions suggested in the Braemar SOS and the Community Visioning exercise earlier that year. Unfortunately this hasn't been reflected in the PLDP. In particular:

The proposed land allocations (page 93) rely on existing consents for the most part with a single new site for a few houses identified for 100% affordable housing on Chapel Brae. There are two points here. Firstly, the plan has not allocated enough land to deal with housing needs over the first 5-10 years of the plan period. The existing allocations are about to be started or are being built out. Aberdeenshire Council's latest Housing Land Audit (HLA) (2013) shows that site ref: M/BR/H/004 (Balnellan Road) is under construction; M/BR/H/005 (St Andrews Terrace/Fife Brae) is due to start in 2014 and be completed by 2019; and site M/BR/H/010 Invercauld Farm will be complete by 2014.

The LDP has to plan for 5-10 years from its adoption. This is unlikely to be until 2015. Of the current consents identified in the PLDP (68 houses) approximately 60% should be built by the time the PLDP is adopted. That only leaves 27 houses covering Braemar for the 5-10 years after that (plus 4 on the H1 site) or approximately 3 houses a year. This is not enough to allow the community to remain vibrant and forward looking. The danger is that up to 50% of the new houses being built could be used as holiday homes leaving only 1.5 houses a year for the local population. Does this meet the objectives set out in the Braemar settlement statement (Page 90)? We don't believe that it will – services will not be protected, the current community issues will remain and new affordable housing will rely on the existing consents that are far lower than present requirements and without recourse to alter that.

The supporting information in the Evidence Report on Housing and Population sets out a clear policy framework within which the LDP should operate (supporting thriving communities, retaining a wide mix of ages, skills and interests, and attracting young people and workers). It also predicts a 35% increase in households. The evidence of housing need and supply in that report is difficult to follow and doesn't match up with the most up to date 2013 HLA. Table 11 (page 25 of the Evidence Report) also seems to suggest that the housing land is met via the "established housing land supply" where it should really be the "effective housing land supply". Using these broad brush figures also hides Braemar's requirements behind the larger allocations in Ballater. Para 8.9 also suggests that the housing land supply deducts windfall consents (contrary to national accepted practice) and includes permissions that are pending and are therefore not "effective" housing sites so should not be counted. All of this points to an underestimate of effective housing land supply and therefore an under allocation of new housing sites.

The 31 houses in Braemar does not reflect a 35% growth in households for Braemar, indicating that additional housing allocations are required in this particular settlement.

RESPONSE – Braemar Settlement Statement (Cont’d)

There are a couple of points worth making on housing land evidence in the PLDP:

- The Aberdeenshire area of the Park does not desegregate its Housing Need and Demand Assessment information (The HNDA is prepared on behalf of Aberdeenshire Council not the CNPA) in enough detail for the Park to make any informed decisions. Instead the housing need here is based on LHA waiting lists and average completion rates. Waiting lists are not an accepted evidence of need and completion rates rely on past Local Plan land allocations and consents that could have been artificially limited. The housing information available to the CNPA therefore does not seem to offer a realistic view of housing need and demand in the Aberdeenshire area of the Park and is most likely an under-estimate. An Camas Mor undermines this further by suggesting a 1500 house development when this is unlikely to happen. The very recent Court of Session decision ([2013] CSIH 65 XA158/10 – Cairngorms Campaign and Others vs CNPA and others) describes An Camas Mor as “The allocation of An Camas Mor is simply a hope in the future, not a concrete allocation.” If this is so then the LDP allocations are significantly lower than they should be to meet the housing requirements ;
- The issue of holiday homes/second homes also starts to affect housing numbers. In Braemar it has been estimated that maybe 50% of the houses are used in this manner. If that is the case and housing allocations only reflect the need identified in the background paper then what happens when a significant proportion of those are sold as holiday homes? They are removed from the housing supply available to locals and only a proportion of housing to meet local need can be delivered. This again points to a potential under allocation of housing sites.

The above two issues have been considered in the 2011 Strategic Options Study for Braemar but these are clear concerns in respect of the preferred option. A solution to this would be to expand the preferred option to allocate completely new housing sites over and above existing consents and local plan allocations. This will assist in meeting housing needs in a more flexible manner. In any event a more detailed study of housing need and demand in the Aberdeenshire area of the Park would be highly beneficial.

Employment sites are even fewer. These include a small brownfield site and an existing retail/commercial centre. If Braemar is to thrive as a sustainable village, encourage economically active families to stay and maintain and promote local services then these two allocations are not adequate. Again, the Braemar SOS offers some alternatives to these that we believe are more ambitious but potentially achievable. One of the key issues raised locally is the lack of commercial space for local businesses to expand into – the CNPA preferred approach doesn’t help overcome that current problem.

The approach that we have advocated previously is to recognise the existing consents, allocate the two housing sites already identified in the Draft Settlement Statement (**ME3**) plus more land for housing and economic uses and co-ordinate the short, medium and longer-term options by embracing the ideas in the Braemar Strategic Options Study.

The existing consents will not deliver affordable houses to meet current need as the negotiation over that took place some years ago. Only new allocations and consents can do that. The PLDP needs to be far more ambitious if it is going to tackle the issues raised by the local community in the Braemar Community Vision and ongoing community actions.

RESPONSE – Braemar Settlement Statement (Cont'd)

Braemar is a strategic community at the heart of the Park – locationally and functionally. It needs to reflect that in its allocations and look further ahead than the LDP presently does. The Braemar SOS suggested some options to tackle local issues. Only some of these are appropriate for the LDP. To help provide more housing for locals, more affordable housing, increase the resident population to support local services while supporting tourism and facilitating local employment opportunities, we believe the LDP should:

Allocate more housing land – in particular we believe the sites shown on the Draft Settlement Plan (**ME3**) should be reinstated and sites shown as R10, R7 and R6 in the Braemar SOS plans (**ME4**) should be reconsidered for future housing development. We note that the Community Council in their response (**ME5**) to the Draft Settlement Plan suggests that the site at Clunie Bank floods. The area for housing here has been carefully considered and sits at a higher level than the floodplain. SEPA's flood extent map shows that this area does not sit within a flood extent area (**ME6**). Flooding is therefore not a valid reason to remove this site from the PLDP.

Settlement Boundary – should be extended to allow additional development land adjacent to the settlement. We also note that the Community Council response to the Draft Settlement Statement indicated that there was a serious lack of self-build plots in the village. The current PLDP does nothing to rectify this and new allocations could include requirements for plots. A new settlement boundary is suggested in the Braemar SOS.

Site H1- Chapel Brae - is identified for 100% affordable housing. Table 10 in the Evidence Report (Section 1: Housing and Population) indicates that 23 out of the 79 consented houses in Braemar are affordable. That represents 30% affordable provision and without any evidence to support additional affordable housing we do not see why the H1 site should be required for 100% affordable housing. It should be dealt with as a small site where affordable housing could be located up to a maximum of 25%. i.e. 1 house or 1 plot. It should not be allocated for 100% affordable housing.

Employment Land – both Mar Estate and the Community Council, again in their response to the Draft Settlement Plan, indicated a significant lack of new and available employment land in Braemar. Additional employment land should be allocated to encourage business start-up or growth. The Braemar SOS in particular suggested a Braemar outdoor activity/adventure centre and additional employment land at E2 (**ME4**). These should be reflected in the LDP rather than rely on existing sites that are already being used or are limited in scope.

Site C1 – this is no longer required for community use and should be re-allocated for housing.

In general we believe that the Braemar SOS provided land-use based options for many of the local issues that remain relevant and should be reflected in the final LDP.

3.0 Conclusion

Braemar needs a development strategy that allows it to flourish as a place to live rather than simply visit. It needs local services, local jobs and a thriving diversified economy. To enable this we believe additional allocations for both housing and employment uses are required. The reliance on tourism should be reduced with a greater emphasis on creating a more sustainable resident population, local employment and the services and facilities that go along with that critical mass. None of this need impact on the special qualities of the Park and, in many ways, will enhance the Park as a place to stay and visit. Locating increased resident population around existing settlements is sustainable in its potential to reduce the need to travel, the support for existing and new facilities and the financial benefit to the local economy.

A joint masterplan approach was carried out in 2011 (Braemar Strategic Options Study) with input from the CNPA planning officers, local community representatives, and Mar and Invercauld Estates. Its starting point was the agreed Community Vision with the aim of identifying potential physical and development interventions that could help achieve that vision. This masterplan approach has identified a range of development options for Braemar across tourism, business support, leisure and housing. We have included comments in respect of specific issues in this response and these are referred to in the PLDP response forms for each issue. In general, however, we believe that the findings of the Braemar Strategic Options Study (**ME1a and ME1b**) should be encompassed in greater detail in the PLDP.

Halliday Fraser Munro
July 2013

List of Supporting Information:

- *ME1a – Braemar Strategic Options Study (Masterplan) Stage 1 – Sites & Key Themes*
- *ME1b - Braemar Strategic Options Study (Masterplan) Stage 2 – Strategic Options*
- *ME2 – Draft Community Vision*
- *ME3 – Draft Settlement Plan 2012 (CNPA)*
- *ME4 – Braemar Strategic Options Plan*
- *ME5 – Draft Settlement Plan responses - Braemar*
- *ME6 – SEPA flood extent map, Braemar*

Badenoch & Strathspey Conservation Group



CNPA

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2 July 2013

Comments on CNP proposed Local Development Plan

BSCG welcomes the opportunity to comment on the proposed Local Development Plan (LDP).

General Points

We welcome that Open Space green land will be protected from development.

Object to the grey land as being inaccurate and misleading, although we understand that it demarcates the red line of land included within a development. Object to grey land being described as 'Existing permissions-for information only' as this is misleading in terms of conditions applying and untrue in terms of any permissions having been granted. We support the LDP showing where existing permissions exist as it provides a useful context for assessing future allocations, however the information has to be accurate and properly defined. Many grey areas have permission that is dependent on conditions being met which may or may not happen, making the building out of that planning permission not entirely inevitable. The developer may choose to abandon that permission already granted and to submit a different application. We are concerned that the LDP should be accurate and should clarify that conditions may apply. Grey areas include land that has never had any permission for anything and moreover in some cases is allocated in the current LP as green ENV land that is protected from development. Object that the grey area is not accurately described in the Map Key.

We welcome that many communities are described as "thriving", which indicates that the CNPA do not consider their future to be threatened by e.g. an ageing population or skewed population age structure.

Object to the incomplete nature of SPAs listed under Natural Heritage in Settlement information. Capercaillie exist as a metapopulation and must be managed as such. All SPAs for capercaillie in Badenoch & Strathspey need to be referred to, not just the nearby ones.

Object to overall scale and pace of development as being contrary to the 4th aim of the NP, and in specific instances contrary to the other 3 aims of the NP as well. This scale and pace is not sustainable, is not justifiable in a NP given the national purposes of this designation and the public's expectations as to what a NP is designated to deliver, and cannot be justified in terms of national housing need as Badenoch & Strathspey has a higher rate of housing growth in recent years than most other parts of Scotland.

Object to important information and requirements provided in the current LP not being included in the LDP when they are still applicable to the LDP (and potentially Plans that come after the LDP, see comments on Dulnain Bridge as an example).

Ancient Woodland Sites should be protected from built development with a stated presumption against development in the LDP. Where a housing allocation is adjacent to an AWI site there should be a stated requirement for house plots to be set back from, rather than abut the AWI to reduce the impact of garden invasive species in the AWI site.

Introduction

1.1 We note that the LDP “will set out policies and proposals for development and use of land for the next 5-10 years, and will provide the basis for the assessment of all planning applications made across the whole of the National Park”.

1.2 We note that the Main Issues Report “helped inform the proposed Plan which is the second stage in the process”.

1.3 We note that the planning system is considered essential to achieving the Scottish Government's central purpose of sustainable economic growth and that “this involves promoting and facilitating development in the best places for it while protecting and enhancing the natural and built environment”. We note that the LDP “is the main tool to deliver that”.

How to use the Plan

1.4 Object to use of the words ‘you’ and ‘your’ as implies this is written only or primarily for applicants. Suggest should be written

Vision

Overall- object to the emphasis in the Vision that scarcely mentions the natural environment.

1.20 Object to 1.20 on grounds that it is internally inconsistent and fails to provide the public with clarity of vision. We note with concern that the LDP is to make sure that “there is sufficient land for housing to meet identified need and demand”. Demand for housing in such an attractive area as the CNP is substantial and draws on the hinterland of the UK and beyond. To meet demand is incompatible with achieving sustainable development and occurs at the expense of the natural environment. Development to meet housing demand would significantly erode and harm the CNP's special qualities. No justification is provided as to why demand should be met in a National Park.

This supposedly sets out the role of the LDP in delivering the CNP Partnership Plan, yet the only reference to the natural environment states that the “special qualities of the Park are enhanced by

new development where possible and protected from new development that would significantly erode or harm them". This simplistic statement fails to provide the public with a vision that is rooted in the real world of planning and how decisions relating to the environment are actually made.

There also appears to be a lack of reality regarding what the CNPA has achieved to date and therefore what it might reasonably be anticipated to achieve in the next 5 years. There is little to indicate that the CNPA has a strong track record on achieving this intention so far. We have concerns that the LDP is providing idealised intentions that have little solid basis in practical realities.

The Spatial Strategy

1.22 Object to this paragraph which is non- sensical. The first sentence makes a bold statement with no justification provided "There are clear opportunities for economic growth and diversification within, between and around the existing settlements". Are there? Precisely what information is this sentence supposed to impart? Our view is that there are potentially significant conflicts of interest between economic growth and diversification outwith settlements (between and around) and that the opportunities are not particularly 'clear' for such development either within or outwith settlements. At present the LDP allocates sites for economic development where there are major conflicts with important natural heritage interests. BSCG has objected to these applications repeatedly and provided clearly set out justifications for our objections. Yet the CNPA continues to include these sites without providing a justification other than the vague requirement for more economic development sites even though there remain unused sites within existing industrial estates. Or is the sentence intended to smooth the path of future development by promoting the unjustified opinion that there are clear opportunities? A LDP should be providing clearly thought-through and properly explained and justified statements, not unjustified, unexplained opinion that moreover appears to fail to take account of the natural environment and commitments to sustainability.

The paragraph continues with a sentence that doesn't make sense. "Equally [meaning what?], most of the land of the Park is farmland, moorland, forestry, woodland and mountain There is relatively little development in these areas and while some developments may be required to support land management activities, the land there is most valued for the lack of development". All the proposed allocations in the pLDP are on one of those land types except for mountain (for obvious reasons). All land that is now built on was once one of those land types. What on earth is this paragraph supposed to mean, what information is it intended to convey and why has the CNPA included it in what is one of the most important documents the CNPA writes?

1.23 and Figure 3 Strategy Diagram. Object to this paragraph and to Figure 3. Figure 3 fails to provide any useful or useable information. The whereabouts of the division between the 'focus for economic growth and diversification' (blue) and the 'Areas managed for sporting, agriculture, recreation and nature conservation benefits' (green) is impossible for the public to determine. The distinction made between these two land uses is utterly incorrect because there are land uses within the blue area that follow the description of the green land and vice versa. The blue area cannot reasonably be described as a 'Focus' . An Camas Mor appears to be presented as both a settlement and a key employment site when not a single house exists there at present and none are specified within the pLDP. The 'Key employment sites' are nothing more sophisticated than the larger settlements. Some

of the most important land for agriculture, forestry, conservation and recreation is in the straths and appears to be within the blue area. What are the public supposed to make of this strategy diagram and how does the CNPA anticipate it will be used, by themselves and developers? Is there to be a presumption in favour of economic growth and diversification within the blue area? Is this Figure a material consideration? What is 'diversification' intended to refer to? If this Figure is to be referred to in the planning process, which is presumably why it is included in the LDP, it is a recipe for confusion and conflict because no one knows where the boundary between the blue and green land is, yet the focus for the land use is radically different.

2. The Policies

2.2 Object to the LDP being written as though it is written for applicants ('you' and 'your' used repeatedly). This Plan is for everyone and should be written so that everyone can have a sense of ownership.

3. New Housing Development

3.2 Object to the timescale of 'in the next 5 - 20 years' in the context of 'everyone should be able to see what those opportunities [for new housing] are in the next 5-20 years' and note that this is double the length of time provided in 1.1 that states that the LDP "will set out policies and proposals for development and use of land for the 5-10 years". Object to a LDP setting out allocations for 20 years hence. This is undemocratic and provides planning blight on areas providing too little opportunities for reappraisal of the allocated sites because the inclusion in a former LDP is used to justify its inclusion in subsequent LDPs. Object that there is no indication of how much land is considered to apply to which 5 year period. The CNPA should make it clear in the information under each settlement, how much land is considered to be required for each of the potentially 4 periods

Object to the statement "We want to enable new housing which is affordable and meets community needs" in that this is not what the CNPA is in a position to achieve. The CNPA's model of housing provision provides a small proportion of affordable housing and a large proportion of open market housing. In addition, the definition of 'affordable' can include open market housing that is smaller and therefore at the less-expensive end of the market.

The LDP cannot simplistically state that the development will be the 'right' amount and in the 'right' place and it will 'best' use existing resources. These are judgements that need to be made based on information. Merely saying it, does not make it valid. The LDP should not include subjective opinion, which is what these statements are. It should provide logically argued justification.

Residency Criteria

BSCG objects to the scale and pace of housing proposed in the LDP, which is self-evidently unsustainable and recommends that residency criteria should be introduced. The amount of land allocated and already permissioned for development is at major cost to the natural heritage assets of the area. BSCG considers there is a requirement for a small number of houses to meet the needs of people who cannot afford open market housing yet who have a reason for living in the CNP e.g. through work or family connections. To meet this genuine need only a very small number of houses is required and to allocate them residency criteria need to be introduced. BSCG notes that in the

early days of the NP the CNPA proposed residency criteria. Very regrettably, the CNPA abandoned residency criteria, perhaps due to pressure from other interested parties.

Policy 4 Supporting Economic Growth

Object that this Policy does not specifically recognise the economic importance of wildlife and the need to properly protect the CNP's exceptional biodiversity.

Policy 6 Natural Heritage

6.1 We welcome the statements in 6.1, which refer to the importance of natural heritage in the CNP, that it must be protected and that it underpins all 4 aims of the Park, and we object if any are removed or altered.

6.2 and Recommendation of Second Tier Sites

We welcome the statements in 6.2. However, as well as undesignated sites of local importance, there are also undesignated sites that are of national importance and possibly international importance, and this needs to be recognised in the LDP. Therefore BSCG objects to 6.2 in that it omits to refer to the national and possibly international importance of undesignated sites.

We note that the LDP applauds the international acclaim given to the unique richness in biodiversity of the CNP and the level of designated land (6.1) and also that the LDP refers to the many other sites that are not designated but that are of local importance and contribute to connectivity of formally recognised sites and that this improves the long term sustainability of species (6.2).

BSCG is concerned about the future of sites that are important at a local level or beyond. Several such sites are presently under threat from development (some due to long standing allocations by the CNPA), some have already been degraded or lost entirely through development and some have been narrowly saved from development. We welcome that the CNPA has identified their value (in 6.2 and by inference in 6.1). In order to protect them we recommend that a system of second tier sites should be introduced in the CNP. This would enable important yet undesignated sites to be identified and flagged up with the expectation that they would be appropriately protected from development.

6.7 What we will achieve in the next 5 years. Object to the simplistic statement that "In five years we will have improved the quality of natural heritage found in the Park". This is internally inconsistent. The settlement maps show major losses of important sites for habitats and species, making a deterioration in quality far more likely than an improvement. In addition, it is questionable how the CNPA can realistically measure 'the quality of natural heritage'. They hold very scant information on the subject.

6.10 National designations. Object that only NSAs are referred to, with no mention of other national designations such as SSSIs and NNRs and the CNP.

6.12 Other important natural and earth heritage sites and interests. Object that this paragraph should refer to prevention of degradation of such sites as well as to prevent "loss" of these sites.

6.15 Other biodiversity. Non-sensical - 'species of habitats'.

Object that this paragraph only refers to developments that will be encouraged, rather than also referring to the types of development that would not be looked on favourably.

6.16 Object to the word 'overall' in "The policy will be applied to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the CNP" as it reduces clarity of how the policy will be applied and could weaken its application.

6.17. Precautionary Principle. We welcome the reference to the Precautionary Principle and object if this is removed. Object that more information should be provided and recommend that specifically this should include all species on the Cairngorms Nature Action Plan (the top 26 and the Annex species which we understand from the CNPA will include species listed in Nature of the Cairngorms Eds Shaw and Thompson, including species listed in Table 15.1), all SBL and UK BAP Priority species, and all birds on the UK red and amber lists.

7. Landscape.

7.3 Object to the simplistic, idealised nature of this paragraph which fails to reflect the practical realities, conflicting interests and compromises involved in the planning process.

7.7 What we will achieve in the next 5 years. Object to "we will have capitalised on opportunities for new development to enhance the landscape of the Park". The CNPA argues that housing estate developments can improve the landscape, but BSCG regards this unachievable in practice. We consider that all the developments the CNPA has so far approved have not achieved this and we are therefore unconvinced that a major turnaround is going to be accomplished in the next 5 years. If it is achievable in the next 5 years why has it not been achieved in the current LP - what is about to change?

7.9, 7.10, 7.11 How it will be applied. We welcome the references to 'wildness' and acknowledgement that "people's perception of wildness may vary" and that "new development will be assessed to consider the cumulative impact on .. the sense of wildness found in the relevant area". In addition to the self-evident value of remote wild areas, we are concerned that the importance of relatively wild areas close to communities should also be valued by the CNPA and given effective protection. We object to the lack of specific reference to this. More people can readily benefit from relatively wild areas on their doorstep and such areas can also contribute to habitat connectivity.

14. An Camas Mor

The principles of the development, which are partly repeated in the LDP, are a set of aspirations with a lot of subjective opinions. The Principles are unspecific, unmeasurable and are not framed to make any specific requirement for the developers. When detailed applications are submitted to build out phases of ACM, the judgement as to whether the Principles have been met or not will be a matter of subjective opinion rather than objective fact. All of these matters cause us concern. The CNPA has used spurious reasons for justifying ACM. Reasons include that it is to meet the Scottish Government's national housing requirements (these are being met already and do not necessitate a new town), that it will take the pressure off the countryside (ACM is itself prime countryside in a

National Scenic Area), and that it will mean development in other areas will be unnecessary (the CNPA has committed in its Plan to housing in all communities). No convincing and irrefutable reason for building a new town in the CNP has ever been provided by the CNPA or anyone else. This appears to us to indicate that it is political considerations rather than reasons relating to housing need or real public interest that are propelling ACM forward. The Reporters in 2009 were concerned about various aspects of the proposal.

We object to the emphasis on subjective opinion in the LDP (e.g. ACM will be 'vibrant') and we reiterate that such comments are inappropriate in a LDP.

Object that there is no assessment or acknowledgement of the potentially negative impacts of ACM on existing settlements, including Aviemore.

14.1 Object to unsubstantiated comment that ACM will be a 'sustainable' community. There is no commitment that ensures it will be sustainable. In this context we note that the Principles that are already established do not specifically commit or require the development to meet any specified standard.

Object to the notion promoted about ACM that it will be of a significantly higher standard than other developments taking place at the moment and remain unconvinced that this will be achieved. In addition, we see no reason why the CNPA should not be requiring all new housing developments to meet standards of design and sustainability etc equivalent to those that the LDP claims ACM is going to achieve.

14.5 Object to all the excessively optimistic opinion provided that appears to be speculation. Disagree that it is a 'distinction' to have the first new town in a NP, when an alternative viewpoint that we hold is that it is completely inappropriate to build a new town in such a sensitive location.

It is speculation to state that ACM will be 'internationally acclaimed', that ACM will 'set an outstanding example of what is possible in a NP', that it will 'reflect the special qualities of the NP', and 'incorporate a wide range of sustainability measures in its design, layout and function'. It is subjective opinion that it will be an 'inspiration and a delight'; to others it is an appalling example of excessive scale of development in the wrong place.

14.6 Climate Change. Object to the many claims made for what will be achieved at ACM when there is nothing to require such claims to be adhered to. We are concerned at the reference to waste minimisation/recycling. Facilities for waste minimisation and recycling should be made across the board rather than favour ACM over other communities with greater investment.

We are deeply concerned at the whole area within the settlement boundary being white, which provides no restriction on land use.

Object to the absence of any allocations within ACM settlement boundary. There should be allocations of Open Space made at this stage so that the public can see clearly which areas are committed to not being developed. The areas for recreation should be allocated at this stage too. An informed assessment should be made of their impacts on Natura and other natural heritage interests (e.g. impacts on otters and badgers).

There is no commitment within the LDP to protecting areas of particular sensitivity from built and recreational development, such as the wetlands, areas near badger setts, areas near the river, Ancient Woodland sites, lowland heath with areas rich in bearberry and petty whin, etc. We are aware that various proposals have been presented by ACM LLP, but note that these are potentially meaningless in planning terms. We would like to see more evidence of the LDP building on natural heritage information that is already in the public domain.

14.14 We welcome the acknowledgement of potential impacts on European sites but object to the incomplete nature of the list. For example, all SPAs for capercaillie in Badenoch & Strathspey could be adversely affected through recreational disturbance, given the metapopulation. We note that obligations towards European interests extend beyond site boundaries.

14.15 Welcome the requirement for 'all' information to allow an Appropriate Assessment to be carried out. Object that the list is significantly incomplete. Object to the exclusion of species, including the following which are interests for neighbouring Natura sites and/or the site itself and/or European Protected Species (EPS):

Freshwater Pearl Mussels. Object that no reference is made to this globally threatened species. ACM should demonstrate that levels of potentially harmful substances will be within limits appropriate to juvenile FWPM, which are more sensitive than adults.

Impacts on otters should refer to mortality as well as disturbance.

We are concerned that the European Protected Species such as wildcat, all species of bats and great crested newt should be included. We understand that there are wildcat records in the recent past from the ACM site.

14.17 Object to the idea that a new town is capable of conserving and enhancing important biodiversity on the site. We regard this as utterly unrealistic and misleading and reflecting an apparent lack of sound ecological understanding. It would appear to be particularly so when not a single commitment to any natural heritage interest is being made on the map in the LDP. How are habitat networks going to be improved 'throughout the area within and surrounding it'? How is mitigation going to 'ensure a net enhancement of the natural heritage of the Park'? In an area of such high natural heritage quality already, genuinely enhancing this is a major challenge. However, reducing the natural heritage of the Park through human intervention, however unintentional, is a more likely outcome. There are many sensitive biodiversity interests where predictable outcomes would be degradation.

14.19 Object to the lack of specific information on cultural heritage that would allow the public to assess whether they considered better protection should be afforded to the assets in the LDP.

Object to the settlement boundary for multiple reasons, including that it goes too close to important areas for protected species like badgers, it includes too much important habitat, it goes too close to the Spey, there is insufficient buffer from Natura sites.

16 Aviemore and Vicinity

16.1 Object to Aviemore being claimed as 'the economic driver for the NP'. It is one of a number of important economic drivers for the NP. Object to the unsubstantiated statement that Aviemore has become a focus for conservation activity. A substantial amount of destruction of particularly high quality habitat has taken place in Aviemore and surrounds in recent years, and recent permissions by the CNPA are set to exacerbate this trend in the near future.

ED1, ED2. BSCG has consistently objected to the allocation of the undeveloped parts of these two sites. We note that vacant space still exists within the present industrial estate area, as has been the case for many years.

The north extremity of ED1 should be left undeveloped and placed outwith the settlement boundary. It was and potentially could be again, a valuable flower meadow habitat with some grassland fungi as well as scattered birch and other trees. It also provides a buffer between the industrial estate and exceptional countryside to the north. This should be valued as an amenity for all to enjoy and benefit from.

The southern undeveloped part of ED2 should be left undeveloped. It is a piece of relatively natural habitat with birch, aspen, Scots pine and other trees, juniper (priority species), more open, mosaic habitats and associated wildlife including wood ants. Informal paths have been created within it through use, a testimony to its amenity value. Its value can be considered to be higher than ever now, with the new school having impacted on some adjoining habitat and the school being able to benefit from good quality habitat on their doorstep. We cannot see any overriding need for industrial development into this strip of land and consider its value to people and wildlife as amenity ground and in providing habitat connectivity is greater than benefits that would be derived from further industrial development.

We welcome the settlement boundary not extending west of the A9. However, we object to the settlement boundary which should be moved south into the present ED1, as referred to above.

Object to further land not being allocated green. Through development, Aviemore has lost a lot of open space land in recent years. What remains should be retained. We consider that the Achantoul Burn area within the boundary should be green, as should land east and north of the railway line, land beside the Milton Burn, land at the west area of the former horses field between Milton Wood and Scandinavian village, land close to the A9 north of Milton Wood, land south of the grey land at Dalfaber. Consideration should be given to allocating as Open Space land opposite The Bridge Inn to the Spey boundary (involving moving the settlement boundary).

19 Boat of Garten

Object to H1 which should not be brown.

Object to the settlement boundary which should be modified at H1 to reflect the recently permissioned development with conditions. The SB should not extend beyond the footprint of this development.

Object that Boat wood is not coloured green and object that the text does not specify that no built development will be permitted within the wood, on grounds of its value to natural heritage and important amenity value.

We welcome the reference under Other Housing to evaluating the impact of windfall and infill proposals on capercaillie.

Object to the principle of a school being located within the wood on grounds of natural heritage impacts.

23. Carrbridge

Object to the scale of H1 and H2 and regard it as incompatible with “Natural and organic growth” which the residents see as the way forward 23.2 and is not “sympathetic and small-scale” which is also a community wish 23.3.

23.4 We welcome that “development should meet the needs of the local community” which would not be housing needs that go beyond the needs of the local community, such as national housing needs. We also welcome that development “should be undertaken in a way which complements the sensitive woodland setting of the village” and object that H1 and H2 do not achieve this. H2 proposes building right up to sensitive Scots pine woodland, bog woodland and an Ancient Woodland Inventory site; H1 proposes destroying a substantial area of sensitive Scots pine woodland for building; and both sites would impact on an extensive hinterland. Further object that H1 and H2 is not development that “enhances” Carrbridge’s “character and appearance as a tourism centre”. Quite the opposite, they would replace rich and attractive flower-rich meadows and woodland with built development and would threaten the use of woodland in the vicinity of Carrbridge by capercaillie, an undoubted tourism asset, by increasing human disturbance and pushing it further into the woodland; they would reduce the local availability of rabbit prey for wildcat and build over potential wildcat habitat as well as increase potential for breeding of wildcat with domestic cats, and wildcat are another undoubted tourism asset that are known to use the Carrbridge area; the amenity quality of the woodland paths, some of which are promoted, would be reduced by the allocations, yet they too are an important tourism asset.

Object that H1 and H2 are incompatible with the Objectives. H1 and H2 undermine rather than “ensure” that “development contributes to a clear definition between settlement and countryside”; do not “ensure” that new housing “helps the community remain sustainable” as the allocations will entail a majority of open market and non-affordable housing that can be predicted to be sold as second homes and retirement homes; fail to “facilitate appropriate economic growth which supports a thriving community” as they undermine significant economic assets contributing to tourism which is a major part of the economy of the village; and build over rather than “protect those parts of the village that are important to its character and setting”.

23.5 Object to H1 and H2 as they do not comply with the Guidance provided. They do not “consolidate the existing settlement”, rather they reduce the attractiveness of Carr Road through excessive traffic on a narrow and characterful road and create development encroaching into woodland with an indefensible settlement boundary. They do not “ensure the quality of surrounding woodland, and sensitive valuable habitats is not compromised”, quite the opposite. The allocations would destroy woodland and sensitive valuable habitat and would compromise the remaining woodland, including at a distance from the village, through impacts on important wildlife such as capercaillie and wildcat. H1 and H2 do not “enhance .. the local economy” due to negative impacts on tourism interests; the size and siting of the allocations are not “done in a way which raises ...

design quality”, they demonstrate poor design; and these developments would make Carr Road less pedestrian and cycle-friendly rather than more so, due to substantially increased traffic.

Natural Heritage

23.7 Object. All SPAs in Badenoch & Strathspey for capercaillie could be impacted on and therefore should be included here, not only Kinveachy Forest. Capercaillie are regarded as existing as a metapopulation and need to be managed in a way that is appropriate to this.

23.8 Object. Wildcat should be included in the list of interests potentially impacted on.

Housing

H1 and H2. Object to the allocations which conflict with all four aims of the Park. They would destroy flower-, fungi- and invertebrate-rich meadows and native Scots pine-dominated woodland, both of which are habitats that are special qualities of the CNP and reduce natural and cultural heritage rather than conserve and enhance them; they do not promote sustainable use of natural resources, but destroys them; they reduce quality of experience and enjoyment for the public, e.g. through impacts on landscapes, habitats, wildlife and paths; and are unsustainable in terms of destroying, threatening and reducing irreplaceable assets (e.g. capercaillie, wildcat, AWI woodland, long-established and little-improved meadows) and providing for housing on a scale that is unsustainable.

Object to H1. We note this allocates land that has never previously been allocated for housing and which is outwith the present settlement boundary in the CNPLP. No justification is provided for changing the SB. We do not consider that any matters raised in the Main Issues Report warrant this change. The allocation outline and settlement boundary follow the existing outline of a currently live application. This gives a distinct impression that the allocation and SB have been drawn to match the development proposal and that this may amount to a developer-driven allocation and settlement boundary.

Object to H2. The outline follows the existing outline of a currently live application. This gives a distinct impression that the allocation has been drawn to match the development proposal and that this may amount to a developer-driven allocation.

Object that H2 allocates land that in the current CNPLP is allocated as green Environmental land that “will be protected from development”. No justification for this change is provided.

Object that H2 allocates land that is adjacent to bog woodland (a priority habitat) and to Ancient Woodland Inventory woodland, both of which would be adversely impacted on by development close by e.g. through drainage alterations, water quality deterioration, trampling and other recreational impacts and encroachment of introduced species from gardens.

Settlement Boundary. Object to the SB on grounds that it has been modified from the SB in the CNPLP so that it now follows a current live application; it is indefensible in many places e.g. around H1 and H2; it excludes a large area of important ground that is green ENV in the present CNPLP; it excludes the important economic site of the sawmill, which is included within the SB in the CNPLP with no explanation given as to why this should be excluded.

Object to the grey allocation 'Existing permissions – for information only'. Only a small part of this area has ever been permissioned for built development. Most of the rest of the grey area is allocated in the present LP as green ENV land that is protected from development. No justification is provided as to why land should be considered worthy of protection from development in one LP and then considered unworthy of it in the next.

Object to the planning application-specific nature of allocations. We understand that planning applications are supposed to follow allocations in the LP, rather than allocations following applications.

Object to several areas of green ENV land allocated in the current LP being removed from the LDP. No explanation is provided in the LDP. These include land near the river, bowling green and golf course areas. We consider all these areas to be worthy of protection against development, just as they are regarded to be so at present by the CNPA.

Object to the extent of ED1 at the railway station area as the north easterly boundary encroaches beyond the current station yard area into woodland.

27. Dulnain Bridge

Object to H1 on basis that a community of this size does not need the permissioned development (on the A938 Carrbridge road) as well as a further development of some 30 houses in the next 5 -10 years. We consider this to be incompatible with ensuring that "any future development evolves sympathetically" which residents want (27.2). This rate of expansion is unsustainable and unjustified. The fact that the permissioned development already had permission at the time of the current LP being drawn up is testimony to this. Object to the incomplete nature of information transferred from the current LP to the next LDP relating to permissioned development. For the permissioned development the current LP states (for H2) "Any future proposals for the area should protect the marshland area within the site". This important natural heritage requirement needs to be included in the LDP, given that the site is likely to be built out in the lifetime of the LDP or subsequent Plans.

Reference should be made to the high natural history importance of Curr Wood and the importance of maintaining this, given the wood's proximity to the village and therefore potential vulnerability to recreational and development pressures.

27.7 All SPAs for capercaillie should be referred to, for reasons already provided.

27.8 Wildcat should be included

29 Glenmore

Object to the settlement boundary. Object to including within the SB substantial areas of national and European designated land, over which the CNPA should exercise a strong presumption against development. Object that other SBs in the LDP are drawn tightly around developed or allocated land, yet at Glenmore the SB is sprawling and includes large amounts of undeveloped land. Object that the SB is in parts indefensible. Including a SB gives an impression of a development-driven initiative, especially given the inconsistency that Laggan, a far larger community than Glenmore, has no map provided in the LDP. The extensive area within the SB yet absence of any development allocations

provides developers with large expanses of white ground over which there is a certain anticipation of development because the white areas are within the SB.

Object that no guidance is provided in the LDP as to what should be included in the Habitats Regulation Appraisal and no list of European sites that are potentially affected is provided. We query whether 'Habitats Regulation Appraisal' should be 'Appropriate Assessment'.

31. Grantown on Spey

Object that the Mossie is unallocated. We recommend that it should be allocated as green Open Space and therefore clearly protected from development. We are concerned that simply placing it outside the SB leaves it unclear as to whether the SB could be expanded in the future and the Mossie could again be a potential housing site. The CNPA should make an unambiguous commitment to permanently protect the Mossie and this should be made both in the map and the text.

Object to H2 Castle Road. This area is used by oystercatchers and contributes to the value and setting of the Mossie. Given that the H1 Beachen Court allocation is currently being carried forward we do not see that there is a need for another development in the next 5-10 years, nor that this would be compatible with the residents' wish for "a low impact small-scale amount of accommodation ..to encourage young people to stay in the town".

Open Space. Object that the two fields on each side of the house Revoan are not allocated as green Open Space. These include areas of flower-rich and valuable wetland and should be protected from further development.

Object that areas that are designated as green ENV in the current LP are not allocated as Open Space in the LDP. These include the golf course area and part of Anagach wood near the sewage works.

Settlement Boundary. We welcome that the Mossie has been excluded from the SB and object if this is changed, unless the Mossie is allocated as Open Space and included as green within the SB.

32 Insh

Object to the settlement boundary including land designated as European site and NNR and recommend that the SB is redrawn to exclude these areas. These areas should not be incorporated within a SB to become a part of a settlement.

32 Inverdrue and Coylumbridge

BSCG does not support further development at Inverdrue or Coylumbridge. We therefore welcome the SB and object if this is enlarged.

35 Kinraig

BSCG considers H1 to conflict with all four aims of the NP

H1 Object on grounds that it is excessive in scale for the size of community and not compliant with the "things considered essential to the continued prosperity of the community" which include "appropriate scale and affordability of housing in keeping with local needs and character". The site

includes a rich area of birch and flowers that needs protection from direct development and also from excessive recreational damage and impacts of garden invasive species should it become surrounded by 40 dwellings.

ED1 BSCG has consistently objected to the extent of this site, which includes aspen, birch and more open habitats of natural character in the north west part of the site behind the existing smiddy building and surrounds. The land here rises above the smiddy, provides valuable habitat, does not appear to be particularly suited to economic developments, and has not yet been developed in spite of being allocated. We recommend that the allocation should be redrawn to exclude the undeveloped part of the site and especially the treed area towards the north west edge. The allocation is larger than in the current LP for which no explanation is provided.

Settlement Boundary. Object to the SB around ED1 and H1.

36 Kingussie

Open Space. Object that the valuable habitat of birch-dominated, scattered woodland and open habitats including wet areas to the north of Mid Terrace/ West Terrace should be clearly protected from development by being allocated as Open Space.

16.7 Object as the list is incomplete. It should include wildcat which are known from the Kingussie area.

38 Nethybridge

H1 and H2. Object to these allocations that are wholly within an Ancient Woodland Site and conflict with all four aims of the Park. The allocations would destroy the rich wildlife and largely pristine soils supported on the sites; do not represent sustainable use of natural resources but would destroy part of an irreplaceable asset that is AWI site; would reduce the amenity value of the remaining wood and reduce people's enjoyment; and is not sustainable development.

Settlement Boundary. Object to the SB which is indefensible in part (e.g. around H2).

Open Space. We welcome the allocations of Open Space and object if these are to be reduced in size. Object in that the following sites should also be allocated as OS: the remainder of School Wood outwith H1 and H2, so that it is clearly protected from further development; to clearly protect them from development; the fields on both sides of the B970 going towards Boat west of the settlement boundary, that are biodiversity-rich long established and little-improved meadows that have previously been proposed for development and refused by the CNPA and by a reporter on appeal;; the area north of Balnagown Brae and close to the pedestrian access from Balnagowan Brae to Balnagown Wood area; and the area between the River Nethy and the gardens at the .

38.7 Object as all SPAs for capercaillie should be included here (reasons already provided).

38.8 Object as wildcat should be included in the list.

39 Newtonmore

H1. Object to this allocation as it is excessive in scale and pace for a community of this size, especially as there is a large grey site that already has permission. The scale of H1 is completely incompatible with the aspiration that “retention of the individual character and appeal of Newtonmore will depend on appropriate housing development which should be small-scale, of sensitive design and enhance the existing character”.

39.8 Object as wildcat should be added to the list.

Open Space. We welcome the allocated OS and object if these are reduced in size.

03 JUL 2013

RECEIVED

Official Use Only

Reference:

Objection No:

Form for representations on the Cairngorms National Park Proposed Local Development Plan

Please read the explanatory notes inside the front cover of the proposed Local Development Plan before completing this form. The deadline for returning completed forms is 4pm, Friday 5 July 2013. The forms can also be completed online at www.cairngorms.co.uk. You can photocopy this form, or further copies are available from the Cairngorms National Park Authority offices or can be printed from our website.

Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name ALISON DAY

Address

Telephone

Email

2. If you are representing a third party, please give their details.

Name

Address

Postcode

Telephone

Email

To which address do you wish all correspondence to be directed? (please tick)

Own



Agent



3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

H I

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

When I commented on this development last time I said I didn't think it was needed and shouldn't happen. I understand the majority of people who responded felt the same way, but you seem to have taken no notice and seem determined it should go ahead. This makes me feel very suspicious about yourselves and Scotia Homes. More Scotia Homes in the village will definitely not raise

4. Continued

architectural and design quality (17.5) in the village. All the waffle that precedes it in the plan, and could be translated in many ways, does not give me any confidence in your planned future developments for the village. If you develop the village too much, even in the small steps you are trying to get by us, you will spoil the atmosphere of the village, which is part of its charm and which tourists like. Ballater has enough holiday and second homes already that do not contribute much to the village and there is very →

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

More affordable housing should be being built in the village, particularly in infill sites. It is Ballater people who are needing this housing so they should, if possible, be incorporated into the existing village. More 'quality' housing is not needed. It would be more appropriate to use the Monaltrie Park land to extend the recreation facilities. Other places in Deeside are building or are planning more recreational facilities for young people, which would also

be an added attraction to tourists.

Please return all completed forms to:

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

Forms should be returned no later than 4pm, Friday 5 July 2013.

After that date, you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

If you have any queries regarding completion of the comments form, or require further assistance, please contact the Development Plan team at the CNPA Ballater office:

Tel: 013397 53601 Email: localplan@cairngorms.co.uk

www.cairngorms.co.uk

Data Protection

Details provided will only be used for purposes associated with the Local Development Plan. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environmental Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.

4. Continued.

little work in Ballater and the surrounding area for more people who would buy 'quality' homes. Fuel prices will put many people off from travelling a distance to work. Affordable housing however is very much needed.

In Torphins recently a planning proposal was turned down, partly due to the residents being against it. Although I am putting in my objection I do not hold out any hope it will be listened to by you. I hope I'm wrong in this. I think many people do not see the point in putting pen to paper again.

Charlotte Milburn

From: basil dunlop [REDACTED]
Sent: 20 May 2013 09:06
To: Local Plan
Cc: Jim Beveridge
Subject: Consultation Response

Follow Up Flag: Follow up
Flag Status: Completed

FAO Karen Major

Thank you for your letter of 11 April 2013 with the copy of the draft Local Development Plan for Grantown, and some Associated Documents, inviting comment. Please note it was wrongly addressed to Mrs S Tulloch, who retired as our secretary a number of years ago. Please address future planning correspondence to me or our Chairman Jim Beveridge.

The Plan was discussed at our April meeting, and we would like to express support for the main policies and proposals. In particular we welcome the support for our efforts to facilitate the extension of the Strathspey Steam Railway into Grantown, page 139 paragraph 31.2 and on page 142 "Surrounding land uses". We note that the site opposite the Caravan Park, identified in the previous draft plan, has not been so marked for tourism/economic use. We appreciate that this is because it is shown outwith the settlement boundary, but feel that as this is so important to the future socio-economic success of the town, the boundary should be altered to include this site, and the land reserved for such use.

Regarding Housing, we welcome the removal of the Mossie area behind Mossie Road from the draft plan, as we requested in our previous comments on 12/9/12. However we note the area between the Hospital and Grant House has now been identified for housing as H2. We consider this should remain for community use as previously agreed, not housing. We welcome the identification of the recreation areas at the two Playparks and Seafield Park and the school playing fields as Open Space.

Basil Dunlop
Planning Convener,
Grantown-on-Spey & Vicinity Community Council



Scottish Campaign for National Parks

Head of Planning
Cairngorms National Park Authority
Ground Floor
Albert Memorial Hall
Station Square
Ballater
AB35 5QE

4 July 2013

Dear Sir,

CONSULTATION RESPONSE TO THE CAIRNGORMS LOCAL DEVELOPMENT PLAN

Preamble

The SCNP's primary aim is to promote the protection, enhancement and enjoyment of nationally outstanding areas that are National Parks, or are appropriate to be designated as such, or are of sufficient merit to warrant special protection. This is manifest in our support for good stewardship of the country's best environmental assets and encouragement of environmentally sustainable methods of development, particularly within areas of national park potential. SCNP is a recognised Scottish Charity.

Thank you for the opportunity to respond to the draft Local Development Plan. We previously commented on the draft proposals as outlined in the Main Issues Report, published in Autumn 2010.

As has happened on previous occasions we find ourselves once again having a fundamental disagreement with the Authority on its approach to development and in particular, housing development. We consider the draft LDP to be illogical in terms of meeting the actual need for local housing and we can only repeat our view that the current policies simply shunt the problem forward at the expense of the natural and cultural heritage of the National Park. In detail we have the following comment:

1. Introduction - The Collective Aims – SCNP has a problem with the basic concept of collectively working to secure all four aims whilst securing the primacy of the first aim. It is clear from the Governments own planning advice that conservation of the natural and cultural heritage is the reason for establishing a national park in Scotland and that this has primacy in considering development decisions and yet the wording in paras 1.11 and 1.12 fudges the issue.

The planning context for the National Park as set out in paras 1.11 and 1.12 could be improved by using the wording of the SPP. This remains our fundamental problem with the way NPAs are interpreting their separate socio-economic and conservation roles.

2. Spatial Strategy In regard to the chapter on providing a spatial strategy for development, it is obvious that any development will best be provided to take account of existing communications infrastructure. However, these corridors are themselves critical natural heritage assets so the reasons for development and the means of development must serve the higher purpose of maintaining these assets, otherwise why have a national park.

Consequently, it is not sufficient to argue that, for instance, housing need will be met by any pragmatic, available means, which appears to be for the moment through a 25% or so developer contribution to housing stock. Such a strategy can only lead to an oversupply of more expensive housing which will serve the retiree or second home or commuting markets. This in turn de-stabilises community cohesion and negates the aspiration of the NPA to have 'thriving communities'.

Other NPAs, notably the Peak District National Park in England, within a similar planning context, have recognised the futility of continuing to respond to market pressures on housing and have been released from the need to respond to government targets for housing supply. This immediately created a new paradigm where the authority could concentrate on serving the needs of the Park's communities, rather than by default continuing to encourage inward migration to the rural idyll of a national park.

3. New Housing Development – The policies as set out will not enhance the national park if they continue to drive a situation where large parcels of land are allocated and major developers outbid others to secure as many houses as possible to meet an unrequited demand to live in the national park. It is obvious that the proposed policies, through large land allocations, will result in most housing being delivered by developer-led schemes rather than a range of small scale developments absorbed into existing settlements. The nature of the developments are themselves alien to the cultural history of the area. When asked in the Main Issues Report about what they liked best about the Cairngorms National Park, respondents



Scottish Campaign for National Parks

replied that in addition to the spectacular countryside of mountains and pinewoods, they liked the planned, stone built towns such as Grantown.

Recent past and current developments demonstrate, beyond doubt that these developments neither fit into the landscape nor contribute to the character of existing settlements.

There is opportunity in our view for the NPA to encourage a return to attractive stone built properties which fit into existing townscapes through small scale additions to the built environment.

4. Supporting Economic Growth – In a national park, of all places, it would be useful if the NPA could lay out what it means by 'sustainable development'. There is much cynicism amongst environmentalists about the intentions of government and the public and private sectors when it comes to the use of the concept of sustainable development. As an organisation based on stewardship of the natural heritage, the NPA could go a long way to assuring the public that it truly does have a grasp of the concept of sustainability as expressed by the Brundtland Commission and supposedly adopted into the policies of all countries in the European Union.

It is laudable to plan for employment opportunities within the Park, but this will need careful management in respect of providing the right scale, type and location for housing any increases in population concomitant on job creation. Failure to synchronise this will lead to an increase in commuting to locations external to the Park.

It will be important to encourage independent retailers as opposed to large supermarkets. The policy on 'reduction of economic opportunity' should reflect this.

5. Sustainable Design – the LDP is an opportunity to revolutionise the way development is done. In a national park there should be a presumption against the use of artificial materials. Indeed the NPA should investigate the case for opening up suitable quarry sites for stone blocks to encourage traditional building skills which would also help maintain existing building stock.

6 Natural Heritage – The success or otherwise of the Cairngorms National Park and the work of its Authority will depend on whether it can develop policies appropriate to the needs of the very special natural heritage over which it has responsibility. Past and current development has not seriously dealt with cumulative impacts in relation to integrated networks or habitat corridors. The hard questions over such issues as hybridisation of wild cats have not been tackled. The cumulative impact of housing development on water courses has not been adequately reflected.

The National Park is exceptional in UK terms when it comes to stewardship of its natural heritage. In fact, such is its special status that the NPA should take a stronger stance on anticipating environmental damage through potential development. There have been several occasions, for instance, when inadequate surveys have supported environmental statements in planning applications. Such mistakes, in our opinion, occur because the mechanism for fact gathering is developer-led and client /consultant considerations come into play. We would like to see a policy where the NPA takes the lead in certain cases where the natural heritage value is such that the NPA takes responsibility, not just for the final decision, but in the whole process of assessing potential damage to the interest.

7. Landscape – There is a loose presumption that built development can 'enhance the landscape' character of the national park. In the main this is not so. Apart from the grouse moors, the landscape character of the National Park is characterised by the high mountains and the extensive pinewoods. Such landscapes require development to be hidden as far as possible to meet the aspiration of locals and visitors and where this is not so, to weave development into the landscape in as natural a way as possible.

8. Renewable Energy – We agree the thrust of the policies in relation to this but we have a concern for what is left out. The NPA will need to determine how it will specifically react to approaches from communities wishing to cash in on alternative energy production. This will be a significant issue amongst other communities in the Highlands such that it is bound to create interest within the National Park communities. An understanding with the Park's communities needs to be developed.

9 -13. No comment

14. An Camas Mor – We will not comment on the individual settlement areas in the LDP, but the exception to this is An Camas Mor which we have vehemently opposed at all stages of its inclusion in the past Local Plan and this Local Development Plan. This development is posited as a strategic development for the National Park but it remains our view that this is wholly inappropriate for a national park and indeed is illogical in the scheme of developments for the national park. We remain of the same view of the reporters to the Local Plan Inquiry that there was an opportunity at the establishment of the National Park to re-think all the development proposals inherited from Highland Council. The fact that the NPA did not reject the need for Cambusmore, as it was called, has meant that at each successive stage of the thinking behind the proposal the justifications for it have become more and more ludicrous.

We will not repeat all the detailed objections we had to the 'Principles of the Development' which were really a set of unachievable aspirations, but we will continue to monitor closely the information provided in respect of the various assessments that have to be lodged.

We cannot help feeling that the whole concept of An Camas Mor serves a political imperative over several governments and is not based on sound resource management in the greater interests of the National Park environment.

Yours sincerely

Bill McDermott

Cairngorms National
Park Authority

25 JUN 2013

RECEIVED

22nd June 2013

Dear Miss Major,

Conformity of the consultation on the proposed local development plan with the Authority's participation scheme

I enclose my self contained representation and productions about the National Park Authority's actings with regard to consultation.

I understand from the Directorate of Planning and Environmental Appeals that, if a Reporter is appointed to examine the proposed local development plan, you will send this representation to the Directorate for the Reporter to consider in the first stage of the examination pursuant to paragraph 73 of Circular 1/2009-Development Planning.

Some of the matters dealt with in the enclosed representation will be touched upon in my substantive representations but, as far as the first stage is concerned, the enclosed is the entirety of my representations about consultation.

Yours sincerely,

Victor F J Jordan

Victor F.J. Jordan

Miss Karen Major,
Manager of the Development Plan,
Cairngorms National Park Authority-Ughdarras Pairc Naiseanta a' Mhonaidh Ruaidh,
Albert Memorial Hall,
Station Square,
BALLATER,
Aberdeenshire AB35 5QB.

Official Use Only

Reference:

Objection No:

Form for representations on the Cairngorms National Park Proposed Local Development Plan

Please read the explanatory notes inside the front cover of the proposed Local Development Plan before completing this form. The deadline for returning completed forms is 5pm, Friday 5 July 2013. The forms can also be completed online at www.cairngorms.co.uk. You can photocopy this form, or further copies are available from the Cairngorms National Park Authority offices or can be printed from our website.

Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name	<u>Victor Frederick John JORDAN</u>
Address	[REDACTED]
Telephone	[REDACTED]

2. If you are representing a third party, please give their details.	
Name
Address

 Postcode
Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own ☒ Agent ☐

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification. <u>The Consultations</u>

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials). <u>See the attached representation on the actions of the Cairngorms National Park Authority with regard to consultation and involvement of the public as respects the proposed local development plan of 2013</u>
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P.T.O.

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

The process of production of the proposed local development plan should start again with compilation of a main issues report which fulfills both subparagraphs (a) and (b) of section 17(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 followed by preparation of a proposed local development plan which includes a vision statement(s) fulfilling section 15(2) and (5) of the aforesaid Act of 1997 and identifies the housing requirements for the area(s).

Please return all completed forms to:

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

Forms should be returned no later than 5pm, Friday 5 July 2013.

After that date, you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

If you have any queries regarding completion of the comments form, or require further assistance, please contact the Development Plan team at the CNPA Ballater office:

Tel: 013397 53601 Email: localplan@cairngorms.co.uk

www.cairngorms.co.uk

Data Protection

Details provided will only be used for purposes associated with the Local Development Plan. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environmental Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.



Representation of V.F.J. Jordan on the actings of the Cairngorms National Park Authority with regard to consultation and involvement of the public as respects the proposed local development plan of 2013 for the Cairngorms National Park

No valid main issues report

1. The Participation Statement of the National Park Authority claims that a Main Issues Report was published by them in September 2011. However section 17(2) of the Town and Country Planning (Scotland) Act 1997 as amended defines a main issues report as “a report in which are set out (a) general proposals by the authority for development in their district and in particular proposals as regards where the development should be carried out (and where it should not), and (b) general proposals which constitute a reasonable alternative (or reasonable alternatives) to those mentioned in paragraph (a).” I question whether there were proposals in their Main Issues Report satisfying paragraph (a) but there is no doubt and it is admitted by the authority that there are none as required by paragraph (b) of section 17(2).

2. In Chapter 9 Spatial Strategy of the Main Issues Report, paragraph 9.12 on page 42 refers to the requirement of section 17(2)(b) and states: “In light of the existing planning consents, we believe that there are no reasonable alternatives to the current approach...” Even if that argument could be substantiated it would not alter the fact that the definition has not been satisfied. Clearly the statute put the authority under an obligation to formulate a reasonable alternative to their favoured proposals. Parliament did not contemplate that this would be impossible and enacted no exemption on the lines claimed by the Park Authority. If such an exemption is to be contemplated there ought to be a very heavy burden indeed on the Park Authority to establish that they need not comply with the requirement to set out reasonable alternative proposals. In any event failing to put forward reasonable alternative proposals prejudiced or prevented a satisfactory consultation as inclusion of such proposals would have militated against the National Park Authority having minds closed to views differing from their own. Incidentally if the Main Issues Report had included reasonable alternative proposals I would have been able to spend more time considering substantive issues.

3. Even if it were true, as Chapter 9 suggests, that the Main Issues Report proposed few allocations for housing for which planning permission had not already been granted, an alternative strategy for economic development and housing would need to be considered so as to discover how far implementation could and should start in the life of the ensuing local development plan. There is no sign that the Park Authority considered this obvious possibility. This casts doubt on the reasonableness of their assertion that there is no reasonable alternative to their strategy.

4. In any event the factual basis of their argument is false. The excuse overlooked the fact that a large number of the particular sites proposed in pages 46 to 87 of the Main Issues Report did not have planning permission, most notably Ballater H1 which the currently operative local plan says has a capacity for 250 dwellings plus mixed uses. It appears from page 54 of the Main Issues Report that no permission had been granted for 50 houses at Grantown-on-Spey H1 in the operative local plan, from page 58 that planning permission had been granted for only 80 of the 220 dwellings on Newtonmore H1 and H2, from page 62 that no planning permission had been granted for the site for proposed short term housing at Blair Atholl, from page 64 that no planning permission had been granted for the sites proposed at Boat of Garten for short and medium term development and, from page 66, that no planning permission had been granted for one site at Braemar proposed in paragraph 11.6.6 to complement provision for short term demand and one large site to meet long term demand. There are other examples in the Main Issues Report: on page 72 (Cromdale paragraph 11.9.5), page 74 (Dalwhinnie paragraphs 11.10.2 and 11.10.3), page 76 (Dinnet paragraph 11.11.3), page 78 (Dulnain Bridge paragraph 11.12.3), page 80 (Killiecrankie paragraph 11.13.2), page 82 (Kincaig) and page 86 (Tomintoul paragraph 11.16.6).

Representation of V.F.J. Jordan on consultation by the National Park Authority for the proposed local development plan 2013

5. One reasonable alternative would have been to concentrate on sites wholly or mainly for affordable housing which paragraphs 4.28 and 4.40 of the adopted local plan indicates to be a massive continuing need. Concentrating on affordable housing could have been considered at least for those parts of the National Park that have not received much affordable housing under what the Main Issues Report at paragraph 8.7 on page 34 recognises is an uneven spread of affordable housing. (Study of pages 36 and 37 of Main Issues Report –Background Evidence 1. Housing and Population supports the view that the main need in the Aberdeenshire part of the Park is affordable housing.) The Park Authority on page 37 of the Main Issues Report gave those responding the opportunity to express a preference for Option 2 “Focus all new development on the provision of affordable housing by only identifying sites for 100% affordable housing (bearing in mind existing consents).” The Main Issues Report on page 37 said an implication of that option would be “With limited land identified there will be little new development other than that which has permission already, limiting the amount of affordable development” Among other criticisms that can be made of this statement, it seems irrelevant to the current proposals in view of the assertion in paragraph 8.5 on page 34 of the Main Issues Report that the need for affordable housing for the next 20 years will be met from existing consents.

6. In fact Paper 2 considered by the Authority at their meeting on 16th March 2012 indicated at paragraph 8 that the overwhelming majority of responses to the Main Issues report had supported Option 2. It appears from paragraph 20(d) of the Minutes of that meeting that the option was regarded as out of the question by the authority on the basis that “there was a statutory requirement for a Local Development Plan to provide land for open market housing.” My production A attached to this representation contains my correspondence with the Authority’s Chief Executive in which I challenged the suggestion that there was any such requirement of statute or government policy.

7. Another alternative would have been to adopt a lower target for growth of the population, especially for Badenoch and Strathspey, than that adopted in the Main Issues Report-Background Evidence 1. Housing and Population (“Main Issues Evidence-1”). Table 22 on page 38 of that evidence showed that for Badenoch and Strathspey the high growth scenario had been adopted which is referred to in Tables 19 and 20 on page 37. The last two sentences of paragraph 8.4 on page 31 of that evidence show that the Authority could have adopted a lower growth scenario in order to achieve “targets agreed with the Scottish Government”.

8. Moreover the second and third sentences of paragraph 8.4 of that evidence show that the agreed targets were agreed between the Scottish Government and Highlands and Islands Enterprise. The National Park Authority are not bound to adopt those targets for the National Park. The National Planning Framework does not dictate a rate of growth of population to be planned for uniformly over every local authority’s district let alone over each part of a local authority’s district. The Scottish government recognize in paragraph 8 of Scottish Planning Policy that the primary responsibility for the operation of the planning system is with the local and national park authorities. It is wrong, therefore, to suggest, as is suggested on pages 31 and 32 of Main Issues Evidence-1, that the scenario to be adopted must at least meet the “agreed targets”. While there will be a need for housing for children of people who have moved into the National Park, there is no imperative reason for continuing the inward migration drawn by new market housing at any particular rate.

9. My contention is that through the failure to include alternative general proposals in the Main Issues Report the definition of a main issues report referred to in paragraph 1 above has not been fulfilled and therefore the process must start again with a new main issues report. If, however, it is judged that that is not the legal effect of the failure to comply with section 17(2)(b) of the Act of 1997 nevertheless the failure has prevented the approach to consultation envisaged by the Scottish Parliament and impliedly promised by the National Park authority in paragraphs 6 to 9 of their participation statement. The failure relates to the fundamental approach of the Park Authority to spatial planning. The consultation therefore has been unsatisfactory and should start again with a new main issues report.

Omission of housing requirements from the proposed local development plan

10. General Principle 3 under the heading **“How and when to get involved-discussion and engagement”** in the Authority’s Participation Statement is “The CNPA will produce documents which are accessible, transparent and written in plain English, using jargon-free language which avoids technical terms.” It is neither accessible nor transparent to omit the housing requirement for the whole or the respective parts of the National Park from the proposed local development plan. The purpose of the allocations of sites for housing contained in pages 54 to 193 is surely to allocate “a generous supply of land to meet identified housing requirements across all tenures” as is said in paragraph 66 of Scottish Planning Policy. The requirements are therefore fundamental to understanding and assessing both the justification for the allocations and also the housing strategy and policy adopted.

11. Paragraphs 70 to 73, especially 73, of Scottish Planning Policy make it clear that the housing requirement for an area should be identified in the development plan. This proposed plan does not do this. Figures about housing requirement are included in the Evidence Report for the proposed plan but the evidence is not the development plan. The development plan is the concise map based document referred to in paragraph 39 of Circular 1/2009. This omission is unfair to readers of the plan who look to it to discover what representations to make and to what part of the plan to relate their respective representations. Once those who know what to look for have found the relevant evidence it is unfair that they should have to interpret a vast array of figures that the Park Authority have failed to distil into a form suitable for inclusion in the plan.

12. It is doubly unfair in relation to Aberdeenshire because the figures for that part of the Park have some strange features. Comparison of Table 14 on page 28 with Tables 19 to 21 on page 31 of the Evidence Report for the proposed Local Development Plan show no housing requirement for market housing for Aberdeenshire, just a requirement for 94 affordable dwellings. There is no explanation why the total of 136 open market dwellings for 2010 to 2029 have been omitted which were shown included in the 230 dwellings at Table 22 on page 38 of Main Issues Report –Background Evidence 1. Housing and Population, hereafter referred to as “Main Issues Evidence-1.” Moreover the 94 relate only to 2010 to 2014. For both Aberdeenshire and also for Perth and Kinross no requirement is given in Table 12 on page 27 of the Evidence Report for 2015 to 2019. Instead the words “Based on established Housing Land Supply” are inserted which seem like nonsense. Main Issues Evidence-1 in the third bullet point of paragraph 9.3 on page 36 read with Table 18 accepts that there will inevitably be more need for affordable housing in Aberdeenshire accumulating in years subsequent to 2014.

13. More seriously, in the light of Tables 19 to 21 (dealing with the requirement for affordable housing) on page 31 of the Evidence Report for the Proposed Local Development Plan, it seems that Tables 17 and 18 could be seen as an attempt to give the misleading impression that the requirement for 94 affordable dwellings for Aberdeenshire would be met. Consultation is made very difficult if the Planning Authority does not openly state the reasoning behind such statistics, does not make clear that there is a shortage of sites for their assessment of the requirement for affordable dwellings and does not indicate how their approach is a good one in this situation.

14. Stating the requirement in the plan itself, as government policy requires, almost compels the person drafting the plan by reason of the format and conventions of such a document to attempt to be a lot more transparent than the Evidence Report. If the requirements were in the proposed plan itself, therefore, it would be easier for the members of the public to find what the thinking of the Authority was on such matters and to try to persuade the Authority or other decision maker that there was a better approach. I am not sure what the Park Authority’s housing requirement is for the part of Aberdeenshire in the National Park. I ask that the plan be reissued for consultation with the housing requirement properly explained in the proposed local development plan.

Failure to consult adequately if at all on the vision statement or statements

15. The proposed local development plan contains no statutory vision statement for the National Park or, so far as I can find, any part of the National Park. This defect has been caused or contributed to by poor engagement including lack of preparation for the engagement contrary to the commitment in the

Representation of V.F.J. Jordan on consultation by the National Park Authority for the proposed local development plan 2013

box headed "Good Practice in community engagement" in the Authority's Participation Statement accompanied by failing to fulfil especially standards 2 and 6 of the Cairngorms National Park Authority's Community Engagement Standards. Standard 2 (The Planning Standard) states, amongst other things: "The purpose and outcome of the engagement process will be made clear to participants..." Standard 6 (The Feedback Standard) states, "We will provide timely feedback to the community highlighting the results of the engagement, what changes/influence the engagement has had and the rationale for any decisions made and what could happen next".

16. Even if it were assumed or found that the proposed local development plan contains a statutory vision statement as required by section 15(2) and (5) of the Town and Country Planning (Scotland) Act 1997 as amended, the defects in the consultation on this issue are so serious that members of the public have not been given a reasonable opportunity to influence the content of the vision statement. Therefore I first set out the deficiencies in the consultation and follow that with my reasons for saying that section 15(2) has not been fulfilled.

17. In the summer of 2010 the National Park Authority asked the Community Councils of the National Park to obtain the views of the residents of their respective areas by a questionnaire in order to enable each Community Council to prepare a vision statement representing the views of their residents. As a resident of Ballater I completed and returned a questionnaire to the Ballater and Crathie Community Council by the deadline of 15th September 2010.

18. On the evening of 3rd November 2010 from about 7.10pm to about 7.50pm I was at a public meeting in the Michael Sheridan room in the Albert Hall, Ballater convened by the Community Council. The purpose I understood was to give members of the local community the chance to comment on the vision statement drafted by the Community Council to reflect responses to the questionnaire. I arrived about ten minutes after the start. At the top table in addition to members of the Community Council were officials of the National Park Authority and at least one member of the Authority. The meeting was attended by at least two members of the National Park Authority, including Councillor Marcus Humphrey and Mrs Geva Blackett. In addressing the meeting I said that it was the responsibility of the National Park Authority to prepare a vision statement. I urged that when they had done so they should send it to the Community Council for them to send a copy to every household for them to comment directly to the Council or to the National Park Authority. In addressing the meeting I referred more than once to the local development plan and both Robert ("Robin") Blyth, Chairman of the Community Council and Councillor Humphrey, also on the top table, said that the vision statement was for inclusion in the National Park Plan not for the local development plan.

19. In addressing the meeting from the top table Mr Gavin Miles, an official of the National Park Authority, in response to my questioning said that the vision statement eventually to be submitted by the Community Council would be reproduced verbatim in the National Park Plan and that when the National Park Authority prepared the local development plan they would prepare a vision statement but with considerable input from the community. I left the meeting about 7.50pm, before it ended, but have every reason to think that Mr Miles did not retract the statements recorded above. My production F is a copy of the handwritten note I completed within one and a half hours of leaving the meeting.

20. The draft National Park Plan was published for consultation from 19th September to 9th December 2011, the same period over which there was the consultation on the published Main Issues Report.

21. The undertaking given by Mr Miles was confirmed on page 51 of the draft National Park Plan which said that the visions in each community's own words were set out in Appendix 4. I attach as production B the relevant part of Appendix 4 namely page 92 of the draft National Park Plan as published for the consultation. The version of Ballater's vision statement on page 92 is different in a number of respects from the statement submitted by the Community Council. My production C is their "vision statement" printed from the Community Council's web site by me on 29th September 2011. The most significant change perpetrated in the draft Park Plan is the omission of the words "(rather than new open market house building)" from the third paragraph. I submit that the inclusion of those words

Representation of V.F.J. Jordan on consultation by the National Park Authority for the proposed local development plan 2013

considerably strengthens the support of the vision for and its consistency with the representations of the Community Council on the Main Issues Report in which they argued against large scale development as proposed for Ballater in the operative local plan.

22. When the National Park Plan as approved by Ministers was published in the summer of 2012 it did not contain the vision statements. There was no feedback on this so far as I am aware but the Main Issues Report at paragraph 10.52 on page 52 had reproduced part of the Community Council's "vision statement" with the words deprecating open market house building left out. They were also left out from what appears to be the full version in the Background Evidence 4 in the extract in my production G. The proposed local development plan on page 71 includes in paragraphs 17.1 to 17.3 an amended version of the "vision statement" for Ballater again omitting the words "(rather than new open market house building)". Paragraph 17.1 especially makes it clear that paragraphs 17.1 to 17.3 are presented as the view of the community of Ballater. My production D is e-mailed correspondence between Mr Phil Swan, then a member of the Community Council, and an official of the CNPA who admitted the omission of the words about open market house building. The vision was corrected in the draft National Park Plan still on the Authority's web site and in the version (in my production E) published with the other communities' visions on the Park Authority's web site.

23. While the compiling of the responses to the questionnaire by the Community Council seems a useful exercise, the meeting on 3rd November 2010 was largely a waste of time. It was devoted to questions about and criticisms of the Community Council's draft vision statement whereas it could much better have been used for such an examination of a vision statement or vision for Ballater prepared by the National Park Authority for inclusion in the proposed local development plan and explaining what they saw as the future of Ballater. Transparency requires that the Park Authority genuinely disclose the vision (if any) underlying their planning for Ballater. It is clear from the provision made for H1 in Chapter 17 of the proposed local plan, from the censorship of the Community Council's statement and the contents of that statement in its authentic form that the Authority's planning for Ballater is not intended to implement the Community Council's vision statement. Therefore in this respect also the proposed plan does not fulfil General Principle 3 in the Participation Statement in that it is not transparent as it fails to give the Park Authority's vision for Ballater.

24. It is my contention that the vision on pages 10 and 11 of the proposed local development plan is not a vision statement as required by section 15(2) and (5) of the Town and Country Planning (Scotland) Act 1997 as amended by Part 2 of the Planning etc. (Scotland) Act 2006. There is no such vision statement in the proposed local plan. Section 15 clearly envisages that the Vision Statement should refer, albeit in a broad way, to specific aspects or features of the area and not just be a statement of principle. Subsection (2) directs that it should give the authority's views as to the matters, including the size and distribution of population and the infrastructure and as to changes in these matters and the other matters mentioned in subsection (5), which might be expected to affect the development which should and could occur. Therefore statements of principle, however good and however necessary for the purpose of decisions on planning applications, are not enough. This vision in the proposed plan is merely a statement of principles.

25. The lack of a statutory vision statement might not matter if there were vision statements for the component parts of the Park along the lines of a statutory vision statement but there are not. The disadvantage of merely stating principles is demonstrated, for example, in the case of Braemar where no mention is made of the well known fact that numbers on the electoral roll have declined at a considerable rate. Excluding rural areas, the number of electors declined from 375 at 15th February 1990 to 345 at 29th November 2012. Including rural areas the number of electors declined from 463 to 403 over that period.

26. A properly thought out statutory vision statement would require a constructive and critical approach to the current trends in the Park and therefore render the Park Authority more open to consider views differing from those that have held sway with them hitherto. It would have given members of the communities of the National Park an idea of the Park Authority's thinking on such matters and so help them to make comments relevant to that thinking. If the Park Authority had prepared properly for the

Representation of V.F.J. Jordan on consultation by the National Park Authority for the proposed local development plan 2013

consultation they would not have focussed on the community producing a vision but would have laid more emphasis on obtaining the views of the community on a vision conceived by the Park Authority.

27. The vision statement required by section 15(2) and(5) of the Town and Country Planning (Scotland) Act 1997 as amended appears to correspond with the general proposals required in the Main Issues Report by section 17(2) of the Act of 1997. There has been a wrong approach to both requirements on matters that potentially could have led to different policies on spatial development for the Park as a whole or some of its component parts. Therefore the process should start again with preparation of a new Main Issues Report with prior consultation on the Main Issues Report being as extensive as possible.

June 2013

PRODUCTIONS OF V.F.J. JORDAN ON CONSULTATION

- A.** Copy of correspondence of V.F.J. Jordan with the then Chief Executive of the National Park Authority about obligations on the Authority to plan for open market housing.
- B.** Copy of page 92 of the Draft National Park Plan 2012-2017 as published for consultation.
- C.** Copy of Ballater and Crathie Community Council's Vision Statement on their web site on 29th September 2011.
- D.** Copy of e-mails about the National Park Authority's omission of certain words from the version of the Community Council's vision statement in the draft National Park Plan.
- E.** Copy of extracts from "Community Statements" on the web site of the Cairngorms National Park Authority on 21st June 2013: Introduction, index and page 3.
- F.** Copy of handwritten note of meeting on 3rd November 2010 in Ballater.
- G.** Copy of pages 8 and 9 of Main Issues Report-Background Evidence 4. Other Information.

ATTACHMENTS AVAILABLE TO VIEW ON REQUEST

Sele 1/2

Cairngorms National
Park Authority

04 JUL 2013

4th July 2013

Dear Miss Major,

Representations on the proposed local development plan for the Cairngorms National Park

I enclose the following:

- (a) form and representation on the Vision on pages 10 and 11;
- (b) form and representation on the Spatial Strategy on pages 11 and 12 and generally;
- (c) form and representation Chapter 3 New Housing Development;
- (d) form and representation on Chapter 17 Ballater;
- (e) form and representation on H1 Monaltrie Park on page 74 and on the map for Ballater ;
- (f) list of productions; and
- (g) bundle of productions in order as listed

*Gen
Policies Growth
HLS
+
Aberdeenshire*

Victor F J Jordan

Miss Karen Major,
Manager of the Development Plan,
Cairngorms National Park Authority-Ughdarras Pàirc Nàiseanta a' Mhonaidh Ruaidh,
Albert Memorial Hall,
Station Square,
Ballater,
Aberdeenshire AB35 5QB.

Cairngorms National
Park Authority

04 JUL 2013

Cairngorms National Park Proposed Local Development Plan

Official Use Only



Reference:

Objection No:

RECEIVED
**Form for representations on the
Cairngorms National Park Proposed Local Development Plan**

Please read the explanatory notes inside the front cover of the proposed Local Development Plan before completing this form. The deadline for returning completed forms is 5pm, Friday 5 July 2013. The forms can also be completed online at www.cairngorms.co.uk. You can photocopy this form, or further copies are available from the Cairngorms National Park Authority offices or can be printed from our website.

Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name Victor Frederick John JORDAN
Address 
Telephone 

2. If you are representing a third party, please give their details.
Name ☒ X
Address
.....
Postcode
Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own ☒ Agent ☐

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
The Vision on pages 10 and 11

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
Please see the separate representation on Vision on pages 10 and 11
PTO

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

I ask that the Vision on pages 10 and 11 be replaced with a statutory vision statement fulfilling the requirements of section 15(2) of the Town and Country Planning (Scotland) Act 1997 as amended and that vision statement be consulted on anew and the whole plan reconsidered in consequence

Please return all completed forms to:

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Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

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Data Protection

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Representation of V.F.J. Jordan on Vision on pages 10 and 11 of the proposed local development plan.

Representation of V.F.J. Jordan on Vision on pages 10 and 11 of the proposed local development plan of 2013 for the Cairngorms National Park


1. This is not a vision statement as required by section 15(2) and (5) of the Town and Country Planning (Scotland) Act 1997 as amended by Part 2 of the Planning etc. (Scotland) Act 2006. The proposed local plan does not contain a statement as is required by section 15(2). Section 15 clearly envisages that the Vision Statement should refer, albeit in a broad way, to specific aspects or features of the area and not just be a statement of principle. Subsection (2) directs that it should give the authority's views as to the matters, including the size and distribution of population and the infrastructure and changes in these matters and the other matters mentioned in subsection (5), which might be expected to affect the development which should and could occur. Therefore statements of principle, however good and however necessary for the purpose of decisions on planning applications, are not enough. This Vision is merely a statement of principles.

2. The lack of a statutory vision statement might be mitigated if there were vision statements for the component parts of the Park along the lines of a statutory vision statement but there are not. The disadvantage of merely stating principles is demonstrated, for example, in the case of Braemar where no mention is made of the well known fact that numbers on the electoral roll have declined at a considerable rate. . Excluding rural areas, the number of electors declined from 375 at 15th February 1990 to 345 at 29th November 2012. Including rural areas the number of electors declined from 463 to 403 over that period.

3. The content of the statutory vision statement required by section 15(2) of the Act of 1997 seems to correspond to a large extent to the contents required in a main issues report. If there is no valid main issues report, as argued by me in my representation on the Spatial Strategy, this is an added reason for rethinking the vision statement.

4. A properly thought out statutory vision statement would require a constructive and critical approach to the current trends in the Park and therefore render the Park Authority more open to consider views differing from those that have held sway with them hitherto.

5. I therefore ask that this section be replaced with one on the lines required by section 15(2) of the Town and Country Planning (Scotland) Act 1997, as amended, which should be consulted on anew. In view of what I have asserted in paragraph 3, the whole of the plan should, in consequence, be reconsidered anew.



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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name	Victor Frederick John JORDAN
Address	
Telephone	

2. If you are representing a third party, please give their details.	
Name	
Address	
	Postcode
Telephone	Email

To which address do you wish all correspondence to be directed? (please tick)

Own

☒

Agent

☐

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

The Spatial Strategy on pages 11 and 12 and generally.

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

See separate representation
on the Spatial Strategy on pages 11 and
12 and elsewhere in the proposed local PTD
development plan of 2013

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

I ask that the whole process start again with a valid main issues report ~~fulfilling~~ setting out not only the Authority's proposals for development but also a reasonable alternative or alternatives.

If that request is rejected, and in any event, I ask that pages 11 and 12 should be recast to show development focussed on settlements and any clachans which the Authority think candidates for development but recognising the principles I have put forward in paragraphs 10, 12-13.

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Representation on the Spatial Strategy on pages 11 and 12 and generally of the proposed local development plan 2013

Representation of V.F.J. Jordan on the Spatial Strategy on pages 11 and 12 and elsewhere in the proposed local development plan of 2013 for the Cairngorms National Park

1. Clearly the spatial strategy required by section 15(1) of the Town and Country Planning (Scotland) Act 1997 as amended is not fulfilled by this Chapter alone, which needs to be supplemented by the rest of the plan especially pages 50 onwards if there is to be found “a detailed statement of the planning authority’s policies and proposals as to the development and use of land.”

No valid main issues report

2. The whole of the Park Authority’s Spatial Strategy, whatever it is and wherever it is to be found is invalidated by the fact that the Main Issues Report certainly did not comply with section 17(2)(b) of the Act of 1997 and I question whether it complied with section 17(2)(a).

3. Section 17(2)(b) requires the Main Issues Report to set out general proposals which constitute a reasonable alternative (or reasonable alternatives) to the authority’s own general proposals for development in their district which section 17(2)(a) requires to be set out in the Main Issues Report. In Chapter 9 Spatial Strategy of the Main Issues Report, paragraph 9.12 on page 42 refers to the requirement of section 17(2)(b) and states: “In light of the existing planning consents, we believe that there are no reasonable alternatives to the current approach...” Even if it were true, as Chapter 9 suggests, that the Main Issues Report proposed few allocations for housing for which planning permission had not already been granted, an alternative strategy for economic development and housing would need to be considered so as to discover how far implementation could and should start in the life of the ensuing local development plan. There is no sign that the Park Authority considered this obvious possibility. This casts doubt on the reasonableness of their assertion that there is no reasonable alternative to their strategy.

4. In any event the factual basis of their argument is false. The excuse overlooked the fact that a large number of the particular sites proposed in pages 46 to 87 of the Main Issues Report did not have planning permission, most notably Ballater H1 which the currently operative local plan says has a capacity for 250 dwellings plus mixed uses. It appears from page 54 of the Main Issues Report that no permission had been granted for 50 houses at Grantown-on-Spey H1 in the operative local plan, from page 58 that planning permission had been granted for only 80 of the 220 dwellings on Newtonmore H1 and H2, from page 62 that no planning permission had been granted for the site for proposed short term housing at Blair Atholl, from page 64 that no planning permission had been granted for the sites proposed at Boat of Garten for short and medium term development and, from page 66, that no planning permission had been granted for one site at Braemar proposed in paragraph 11.6.6 to complement provision for short term demand and one large site to meet long term demand. There are other examples in the Main Issues Report: on page 72 (Cromdale paragraph 11.9.5), page 74 (Dalwhinnie paragraphs 11.10.2 and 11.10.3), page 76 (Dinnet paragraph 11.11.3), page 78 (Dulnain Bridge paragraph 11.12.3), page 80 (Killiecrankie paragraph 11.13.2), page 82 (Kincraig) and page 86 (Tomintoul paragraph 11.16.6).

5. One reasonable alternative would have been to concentrate on sites wholly or mainly for affordable housing which paragraphs 4.28 and 4.40 of the adopted local plan indicate to be a massive continuing need. Concentrating on affordable housing could have been considered at least for those parts of the National Park that have not received much affordable housing under what the Main Issues Report at paragraph 8.7 on page 34 recognises is an uneven spread of affordable housing. (Study of pages 36 and 37 of Main Issues Report – Background Evidence 1. Housing and Population supports the view that the main need in the Aberdeenshire part of the Park is affordable housing.) The Park Authority on page 37 of the Main Issues Report gave those responding the opportunity to express a preference for Option 2 “Focus all new development on the provision of affordable housing by only identifying sites for 100% affordable housing (bearing in mind existing consents).” The Main Issues Report on page 37 said an implication of that option would be “With limited land identified there will be little new development other than that which has

Representation on the Spatial Strategy on pages 11 and 12 and generally of the proposed local development plan 2013

permission already, limiting the amount of affordable development” Among other criticisms that can be made of this statement, it seems irrelevant to the current proposals in view of the assertion in paragraph 8.5 on page 34 of the Main Issues Report that the need for affordable housing for the next 20 years will be met from existing consents.

6. In fact Paper 2 considered by the Authority at their meeting on 16th March 2012 indicated at paragraph 8 that the overwhelming majority of responses to the Main Issues report had supported Option 2. It appears from paragraph 20(d) of the Minutes of that meeting that the option was regarded as out of the question by the authority on the basis that “there was a statutory requirement for a Local Development Plan to provide land for open market housing.” My production 21 attached to this representation contains my correspondence with the Authority’s Chief Executive in which I challenged the suggestion that there was any such requirement of statute or government policy.

7. Another alternative would have been to adopt a lower target for growth of the population, especially for Badenoch and Strathspey, than that adopted in the Main Issues Report-Background Evidence 1. Housing and Population(“Main Issues Evidence-1”). Table 22 on page 38 of that evidence showed that for Badenoch and Strathspey the high growth scenario had been adopted which is referred to in Tables 19 and 20 on page 37. The last two sentences of paragraph 8.4 on page 31 of that evidence show that the Authority could have adopted a lower growth scenario in order to achieve “targets agreed with the Scottish Government”.

8. Moreover the second and third sentences of paragraph 8.4 of that evidence show that the agreed targets were agreed between the Scottish Government and Highlands and Islands Enterprise. The National Park Authority are not bound to adopt those targets for the National Park. The National Planning Framework does not dictate a rate of growth of population to be planned for uniformly over every local authority’s district let alone over each part of a local authority’s district. The Scottish government recognize in paragraph 8 of Scottish Planning Policy that the primary responsibility for the operation of the planning system is with the local and national park authorities. It is wrong, therefore, to suggest, as is suggested on pages 31 and 32 of Main Issues Evidence-1, that the scenario to be adopted must at least meet the “agreed targets”. While there will be a need for housing for children of people who have moved into the National Park, there is no imperative reason for continuing the inward migration drawn by new market housing at any particular rate.

9. Section 17(2) defines a main issues report as a report in which are set out the two sets of general proposals required by sub-paragraphs (a) and (b) of section 17(2). If I am correct, the main issues report did not contain proposals as required at least by sub-paragraph (b). Therefore the whole process for the proposed local development plan should start again with a valid main issues report.

10. In any event the spatial strategy is flawed because, as I point out in paragraph 7 of my production 1 (my representation on Housing Requirement and Supply) there is in the National Park a potentially massive continuing need for affordable housing each year equal to the total amount of houses built each year in the Park in the past. Thus reliance on planning conditions on market housing cannot meet the need in full. One way of addressing that need is the method urged by me in paragraph 11 and 12 of my production 1, namely to identify a requirement for affordable and other housing in the context of developing a long term sustainable settlement strategy for the settlement or part of the Park in question, a requirement which is realistic in the light of the capacity of the particular settlement and the landscape and such as to secure that the settlement is a sustainable mixed community. If, as is accepted, there is a need to increase the proportion of young people in the population whether by retaining them or attracting them in, that is more sustainably done by concentrating on securing affordable housing directly by allocating and reserving suitable sites for wholly or mainly affordable housing than by encouraging the building of market houses not needed by the local community simply to garner affordable houses through planning conditions. As the research referred to by me in paragraph 2 of my production 1 shows, over time the building of a large amount of new market housing in the National Park will continue to increase the proportion of people over 65 in the population at a greater rate than the national average.

Representation on the Spatial Strategy on pages 11 and 12 and generally of the proposed local development plan 2013

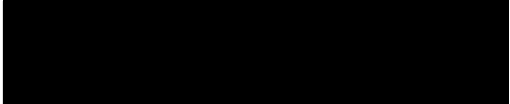
The flaws of the strategy illustrated in the diagram on page 12

11. I appreciate that the map on page 12 is a diagram. However it is not appropriate to have the focus for growth shown by a very wide blue stripe which impinges, especially in Aberdeenshire, on to the wild areas.

12. Secondly I do not think it is correct to make certain important roads the focus for growth in a way distinct from the wild areas. The A93 to Braemar forms part of a national scenic area from about two miles west of Ballater. To suggest that the beauty of the foreground of the view as one travels on that road needs less protection than the rest of the National Scenic Area through which the road runs ignores the outstanding attractiveness of the journey and its attractiveness to tourists. Such a distinction also ignores the fact that, for instance, a plan to use Derry Lodge as a mountaineering school, preserving the long walk in to the lodge, would be of greater economic benefit and more compatible with the four statutory park aims than many a possible development along the A93.

13. Again, focussing growth on the A93 to Braemar which runs through a National Scenic Area but not showing a focus on the road up Glengairn to Tomintoul seems to equate the national park with an industrial region. An enterprise attracted to capitalising on the features of the National Park is just as likely to find a suitable spot up Glengairn as in the National Scenic area.

14. Thus my request is that the whole process start again with a valid main issues report setting out not only the authority's proposals for development but also a reasonable alternative or alternatives. If my request is rejected, I suggest that pages 11 and 12 should be recast to show *development* focussed on settlements and any clachans which the authority consider candidates for development but recognising the principles I have set out in paragraphs 10,12 and 13.



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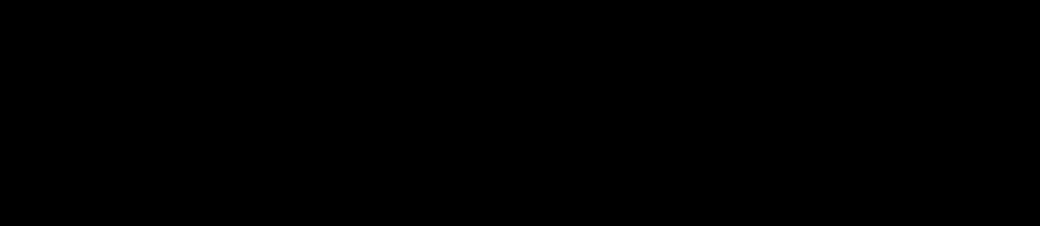
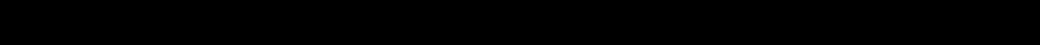
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1. Name Victor Frederick John JORDAN
Address 
Telephone 

2. If you are representing a third party, please give their details.
Name
Address
.....
..... Postcode
Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own ☒ Agent ☐

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
Chapter 3 New Housing Development on pages 16 to 19

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

Please see separate representation on
Chapter 3 New Housing Development
P T O

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

- I ask that*
- a) the proposed plan be reissued for consultation in a form which sets out the housing requirements (s).*
 - b) the proposed plan ~~is~~ be amended as requested in paragraphs 4, 6, 8, 10 and 12 of my representation on chapter 3.*

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Representation of V.F.J. Jordan on Chapter 3, New Housing Development, of the proposed local development plan

Representation of V.F.J. Jordan on Chapter 3-New Housing Development of the proposed Local Development Plan for the Cairngorms National Park

Omission of housing requirements

1. Paragraphs 70 to 73, especially 73, of Scottish Planning Policy make it clear that the housing requirement for an area should be identified in the development plan. This proposed plan does not do this. Figures about housing requirement are included in the Evidence Report for the proposed plan but the evidence is not the development plan. As section 15(4) of the Town and Country Planning (Scotland) Act 1997 as amended makes clear, there is a distinction between the local development plan and documents accompanying the plan. Paragraph 39 of Circular 1/2009 envisages that the development plan will be a concise map based document. The omission of the housing requirement is unfair to readers of the plan who look to it to discover what representations to make and to what part of the plan to relate their respective representations. Once those who know what to look for have found the relevant evidence it is unfair that they should have to interpret a vast array of figures that the Park Authority have failed to distil into a form suitable for inclusion in the plan.

2. It is doubly unfair in relation to Aberdeenshire because the figures for that part of the Park have some strange features. Comparison of Table 14 on page 28 with Tables 19 to 21 on page 31 of the Evidence Report for the plan show no housing requirement for market housing for Aberdeenshire, just a requirement for 94 affordable dwellings. There is no explanation why the total of 136 open market dwellings for 2010 to 2029 have been omitted which were shown included in the 230 dwellings at Table 22 on page 38 of Main Issues Report –Background Evidence 1. Housing and Population, hereafter referred to as Main Issues Evidence-1. Moreover the 94 relates only to 2020 to 2014. For both Aberdeenshire and also for Perth and Kinross no requirement is given in Table 12 on page 27 of the Evidence Report for 2015 to 2019. Instead the words “Based on established Housing Land Supply” are inserted which seem like nonsense.

3. I therefore include representations on the Housing Requirement and Supply in my production 1 since they are relevant to more than one chapter of the plan.

What the policy aims to do on page 16

4. Amendment requested In paragraph 3.2 in the first sentence the words “in turn supporting and growing the economy” should be replaced by “in accordance with the four statutory national park aims.”

5. Reason for the amendment It is not right to single out just one of the Park Aims in this context.

6. Amendment requested The second sentence of paragraph 3.2 should be replaced by the following “While such new housing will mostly be in major settlements, the aim is that all communities should have the opportunity for new housing so far as compatible with the four national park aims.”

7. Reason for the amendment It flows from reasoning in my production 1 relating to housing requirement. Also there may be a community where new housing is not appropriate for example because it would prejudice a future long term sustainable settlement strategy for the area.

8. Amendment requested The first sentence should read “The policy will enable good quality housing development that does not prejudice any long term sustainable settlement strategy that may be adopted for the area.”

9. Reason for the amendment The amendment reflects the thinking in my production 1 relating to the housing requirement and my submission, as explained in my representation on Chapter 17-Ballater, that there is no long term sustainable settlement strategy set out in the proposed plan for Ballater or, as I believe, for any existing settlements.

Contribution towards affordable housing provision on page 17

Representation of V.F.J. Jordan on Chapter 3, New Housing Development, of the proposed local development plan

10. Amendment requested The first paragraph should be amended to read as follows
“Developments of four or more open market houses will be required to incorporate 25% of the total units as affordable housing except where another percentage is specified in the development plan for a particular area.”

11. Reason for the amendment It is government policy in paragraph 88 of Scottish Planning Policy that the percentage is specified in the development plan. The words in the proposed plan “based on a benchmark of 25%” would allow the planning authority to ask for a higher percentage which could affect the viability of the development. When making their financial appraisal of a site and comparing it with others, developers need to know what their maximum liability would be. Paragraph 88 says that authorities may *seek* a percentage where this is included in the development plan. This recognizes that the power to impose conditions is not unlimited and a developer may therefore, in any event, successfully argue for a lower percentage in the circumstances. If a different percentage is required locally paragraph 88 indicates that the percentage should be identified in the development plan.

Affordable Housing provided using cross subsidy on page 18

12 Amendment requested This section should be removed.

13. Reason for the amendment It is unnecessary in view of the possibility of offsite contributions mentioned in the third paragraph of the section headed “Contributions towards affordable provision.” on page 17 and could lead to numbers of unneeded market houses.

14. Amendment requested If the above amendment is not made then I ask that in subparagraph c) the words “not more than” be inserted immediately before the word “the” in the following sentence:
[REDACTED]

Cairngorms National
Park Authority
04 JUL 2013


Cairngorms National Park Proposed Local Development Plan

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2. Ballater


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3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
Chapter 17 Ballater on pages 71 to 77

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

See my separate representation
on Chapter 17 - Ballater.

P70.

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection. *I ask that*

- (a) the provision for housing north east of Monaltrie Park, Ballater, and the sites labelled H1 be removed from the proposed local development plan;*
- (b) the settlement boundary revert to the north east boundary of Monaltrie Park; (bb) the sites B, C, E, I and K referred to in my paragraph 13 be protected for affordable housing;*
- (c) (i) the plan provide that any development of the Old School must incorporate at least seven affordable dwellings;*
(ii) the plan provide that any development of the vacant land abutting the the north east side of Craigview Road at its junction with the A.93 incorporate at least 10 affordable dwellings; and
- (d) the plan provide that where an application is made to develop land in or adjoining Ballater for purposes other than affordable housing, permission may be refused if the planning authority are of the opinion that the land be reserved for affordable housing*

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Representation of Victor F J Jordan on Chapter 17-Ballater of the Proposed Local Development Plan for the Cairngorms National Park

1. The issue raised by this representation is that the whole approach of this chapter is flawed. There is no statutory vision statement nor long term sustainable settlement strategy for any area of which Ballater forms part, there has been no attempt to direct development within the existing settlement, it evinces an unjustified bias in favour of open market housing instead of seeking small scale development and making affordable housing the priority and it contradicts the aspirations of the community.

No vision statement

2. As explained in my representation about it, the vision on pages 10 and 11 does not fulfil the requirements of section 15(2) and (5) of the Town and Country Planning (Scotland) Act 1997 as amended. Chapter 17 does not comply with section 15(2) and (5) as regards Ballater.

3. As explained in my representation about consultation, the National Park Authority asked each Community Council to produce a vision statement. Paragraphs 17.1, 17.2 and 17.3 are a truncated and misleadingly amended version of what was submitted by Ballater and Crathie Community Council. These paragraphs set out certain principles but are not sufficiently related to the lay out of the land to qualify as a broad statement of the authority's views as to how the development of the land should occur and there is no mention of the matters in section 15(5). In any event paragraphs 17.1 and 17.2 imply that these paragraphs are the views of the local community rather than the authority's. Amongst items removed from the Community Council's statement are words indicating that the statement referred to the whole of the Community Council's area which includes the countryside as far as Crathie. The authority by restricting attention to the settlement thus seem to have ignored the principle in paragraph 93 of Scottish Planning Policy of February 2010: "The strategy for rural development... in the development plan should respond to the specific circumstances in an area." Paragraphs 93 and 96 have examples how a settlement needs to serve the surrounding countryside.

No long term sustainable settlement strategy

4. It is government policy in paragraphs 17, 40, 77, 93 and 97 of Scottish Planning Policy of 2010 that the development plan should set out a long term sustainable settlement strategy for an area. As can be seen from paragraph 77 of Scottish Planning Policy of 2010 the strategy is to be quite practical, including the coordination of housing land release with investment in infrastructure and the deliverability of the strategy.

5. The issue of deliverability is especially significant for Ballater H1 which is broadly the same as BL/H1 in the currently operative local plan adopted on 29th October 2010, which hereafter I refer to as "the adopted local plan". The adopted local plan states on page 89 that 90 dwellings are envisaged for construction on BL/H1 during the life of the plan which in paragraph 2.7 on page 12 is made five years from 29th October 2010. The details for the site BL/H1 from Aberdeenshire Council's draft Housing Audit for 2013 in my production 4(a) shows on page 3 that there are no planning applications for the site but on page 2 the first programmed completions are 20 dwellings in 2015. The Housing Audit for 2010 (extracts in my production 5(a)) had shown the site to be effective for 39 dwellings in five years and first programmed completions to be 15 in 2013. There is no reason to think that the latest estimate is any more likely to be realised.

6. The number of houses advertised for sale in the Property Register published by the Aberdeen Solicitors' Property Centre Ltd shows that a slump in the market for houses in Ballater had already taken hold in 2009. Thus all the issues of January 2006 showed 6 houses for sale in the area of Ballater (extending to Crathie and Cambus O'May) except 5th January which had 7. In January 2009 there were 30 except 8th January which had 33. Yet the Reporters on what became the adopted local plan, who are hereafter referred to as "the Reporters", indicated in their paragraphs 48.12, 48.21, and 48.35 (in my production 6) that they opted for Ballater H1 on the ground that it offered the opportunity for timely delivery compared with possible sites which they had seen within the village. They were not aware of the slump at Ballater. Moreover, if anything the slump has intensified. On 30th April 2009 there were 26 for

sale but on 2nd May 2013 there were 34. On 18th October 2009 there were 14 but on 11th October 2012 there were 32.

7. A long term sustainable settlement strategy would have explained whether and, if so how, a large number of market houses on the farmland comprising H1 will help Ballater to be a sustainable mixed community in accordance with paragraphs 70 and 92 of Scottish Planning Policy and compatible with the statutory aims for national parks, an explanation which the Park Authority have failed to give. (Even the first phase of 50 dwellings is comparatively large but, as I show in my representation on the suitability of Ballater H1, the proposed local development plan would open the way to the extension of the village by the full 250 dwellings contemplated on page 89 of the adopted local plan.) The need for such an explanation is supported by the views expressed by the Reporters in their paragraphs 7.27, 48.43 and 48.44 in my production 6. The Reporters' recommendation in paragraph 48.44 that a vision reflecting the problems and potentials of Ballater should preface the proposals map of what became the adopted local plan was rejected by the Park Authority in their Analysis of 14th May 2010 under Ballater Housing Allocation H1 in paragraph 1.4 in my production 8. My contention is that there is no need or justification for a large expansion of the village such as H1 would bring about. Further support for my view is referred to in my e-mail in my production 10 and in paragraphs 6 and 13 following of my representation on the housing requirement in production 1.

8. In considering the question what is the overall net benefit that the extension of the village allowed for by H1 would bring to maintenance of Ballater as a sustainable community it should be borne in mind that, in addition to earlier building of houses after the second world war, figures supplied by Aberdeenshire Council in the enclosure with their letter of 4th March 2009 and in their letter of 25th April 2013, as corrected in the letter of 19th June 2013, in my production 9 show that from 1984 to 2007 (both dates inclusive) 293 houses were built in Ballater, and another 42 since 2007 and that the total number of houses in Ballater is 882. Few of the 293 and none of the subsequent 42 were built as affordable housing. The Park Authority do not appear to have considered how many more open market houses are needed to make Ballater sustainable or to put it another way what is the appropriate limit so far as can be foreseen.

9. A long term sustainable settlement strategy for Ballater should include a strategy for dealing with the need for affordable housing in a way that would be much more sustainable in resources of land than H1. In paragraph 11 of my representation on the Housing Requirement and Supply (my production 1) I suggest the lines on which such a strategy should be developed and in the paragraphs 11 to 13 below state elements which should be included for Ballater. Other elements are suggested in the letter to MSPs (my production 11(a)). I deal with H1's value as agricultural land in my representation about H1. In any event its use for unneeded market housing now would render it unavailable in the future for any need. At present, as explained at paragraphs 5 and 6 above, there is little if any need or demand for new market housing

10. The need for a long term sustainable settlement strategy was mentioned in paragraph 23 of my representations on the Main Issues Report. If the Park Authority were cautious in their proposals the need for a statutory vision and a long term sustainable settlement strategy could be argued to be idealistic but if H1 is implemented it will permanently determine the future of the village. Therefore H1 needs to be removed from the plan as it would prejudice development of a proper long term sustainable settlement strategy. In view of what is said about previous plans in paragraph 78 of Circular 1/2009, I draw attention to the clear change of circumstances referred to in paragraphs 5 and 6 above. I also refer to the fact that, as set out in my e-mail in my production 10, BL/H1 was included in the adopted local plan without the Park Authority's having fulfilled a number of important preconditions laid down by the Reporters. Productions 6, 7 and 8 contain evidence cited in production 10.

No attempt to direct development within the existing settlement

11. Paragraph 80 of Scottish Planning Policy says that planning authorities should promote efficient use of land and buildings, "directing development towards sites within existing settlements where possible". This should be attempted in Ballater to meet the main need, affordable housing to rent, before contemplating building on a large green field site. It has not been attempted. The first suggestion in a

development plan of building on H1 was in the Aberdeenshire Local Plan adopted in 2006. As explained in my production 10, the plan of 2006 labelled land north east of Monaltrie Park as an area of search in effect for a site for small scale housing(usually less than 15 dwellings) for 2011 to 2015. The plan of 2006 was replaced by the adopted local plan.

12. The Park Authority have not made a determined, proactive search for small sites within the village for affordable housing. This is shown by the history of the Old School, a listed building which has been out of use for about a decade and is owned by Aberdeenshire Council. The Prince's Foundation for the Built Environment in their report of 2009 (of which an extract is my production 12) said seven to eleven affordable dwellings could be built in the grounds of the school. The operative local plan simply says that the Old School is to be protected for community use. The proposed plan mentions affordable housing merely as a possible use. Another example is the vacant site at the junction of Craigview Road and the A93. Although this land is owned by Aberdeenshire Council there is no allocation of it for any use either in the adopted local plan or the proposed plan. Aberdeenshire Council agreed a sale of the land in 2009 for commercial use as explained in the letter from Councillor Argyle which is my production 13. That sale has been aborted but another commercial sale is sought. Councillor Argyle's wish for the land to be used for economic development need not exclude affordable housing since, as is demonstrated in Ballater, it is quite usual to have dwellings over retail premises. Incidentally H2 on the proposed plan, allocated for eight affordable dwellings was not in the Main Issues Report. I understand that the social landlord who owns the land brought it forward later. It seems that Aberdeenshire Council do not have a policy such as that adopted by Highland Council on 15th April 2004 that preference be given to all potentially surplus Council sites for affordable housing in stressed areas. Ballater is a stressed area and the right to buy was suspended with effect from 6th November 2008 for all tenancies granted on or after 30th September 2002. Evidence of Highland Council's policy is in production 31.

13. The authorities therefore seem to rely on BL/H1 and thus are distracted from seeking to utilise the various means to secure affordable housing set out in the letter to MSPs in my production 11(a). The list enclosed in production 11(a) gives details of a number of possible sites for affordable housing in the existing village including Aberdeenshire Council's two sites mentioned in paragraph 12. There are other possible sites not on the list. I ask that the plan require that any development of site A incorporate at least seven affordable dwellings and any development of site F at least ten. Sites B, C, E, I and K should be protected for affordable housing. Site B appears to have been sold but should be protected in case it is not developed in pursuance of any existing planning permission. To prevent the other sites on the list and sites not on the list being developed for other purposes when they could be thought suitable for affordable housing the plan should say that planning permission to develop a site in or adjoining Ballater for other uses could be refused in cases where the planning authority are of the opinion that the site should be protected for affordable housing.

Unjustified bias to market housing

14. In my representation about the housing requirement (my production 1) I point out that as the need and demand of the whole rural housing market area including the part in the National Park is dealt with in Aberdeenshire Council's development plan measures in the proposed local development plan to encourage open market housing at Ballater can only be justified if there is a local assessment. In view of the absence of such assessment and the 42 houses built in just over five years since 2007 there is no justification for the 50 houses proposed for H1 for the five to ten years' life of the proposed local development plan. The Park Authority suggested that market housing is needed to finance the affordable housing through planning conditions but planning conditions were designed merely to help provide sites at a reasonable price for affordable housing where there was a housing requirement for market housing. The allocation or reservation of sites for affordable housing combined with the abandonment of H1 and the current slump in the market in Ballater would help social landlords to acquire houses and sites. The letter to local members of the Scottish Parliament, production 11(a) explains some practical disadvantages in the use of planning conditions on market housing to produce affordable housing. The response from Richard Baker

M.S.P.(my production 11(b)) supports our assertion that the number of affordable houses built can fall short of the number required by the planning condition. He says that allocations of affordable housing within new schemes have been "very much reduced due to a number of factors once the project has been concluded."


Contradiction of the aspirations of the community

15. Paragraph 13.1 on page 51 of the proposed local development plan implies that the provisions for settlements are intended to help communities reach their aspirations. That is not the effect or intention of the provision made for Ballater. Ballater H1 is known by the Park Authority to be contrary to those aspirations. The Community Council's Vision Statement as submitted (my production 22(a)) urges that "quality and affordable housing to meet local needs" should be supported "using existing real estate and redevelopment where possible (rather than new open market house building) to avoid harm to the visual and natural environment." In their comments on the Main Issues Report the Community Council indicated that their strategy involved focussing on affordable housing and abandoning "BL/H1 as a development site."

16. A petition begun at the end of September 2008 opposing the building of houses on Ballater H1 had by 15th April 2009 been signed by a majority of those on the electoral roll for Ballater namely by a few more than 650 out of 1289. The wording of the petition and an analysis of it by Phil Swan is my production 14. As document 4 supporting the Joint Case of S.Wright, J.Sunley and others, the full petition was put in evidence at the hearing into what became the adopted local plan. There is thus considerable public concern among residents of Ballater opposed to H1. Insofar as it is based on relevant planning grounds, namely the effect on the environment, this public concern is, according to law and government policy, a material consideration.

17. Scottish Planning Policy in paragraph 32 says "Legitimate public concern or support expressed on a relevant planning matter should be a consideration in planning decisions." In Planning Circular 4/2009, Development Management Procedures, at paragraph 5 of Annex A, the Scottish Executive gave examples of possible material considerations. The examples given include not only matters like "a proposed local development plan" but also "legitimate public concern or support expressed on relevant matters." I accept that the weight to be given to the public concern is a matter for the decision maker. What is clear is that widespread local opposition to a proposal on environmental grounds does add some weight to the other merits of an objection. Indeed in the case of Newport Borough Council v. the Secretary of State for Wales (1998 Environmental Law Reports at pages 183 and 186) the English Court of Appeal expressed the view that local fears of danger to health, though not in fact justified, could be given direct effect as an exceptional or special circumstance. At the very least, therefore, I submit that Counsel for the Secretary of State for Wales was, correct to imply at page 181 that public concern can be decisive when there are other planning considerations militating against the development.

I therefore ask (a) that H1 be removed from the proposed plan and the settlement boundary revert to the north eastern boundary of Monaltrie Park and (b) that the proposed plan be also amended as requested in paragraph 13 above.



04 JUL 2013

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Official Use Only

Reference:

Objection No:

Form for representations on the Cairngorms National Park Proposed Local Development Plan

Please read the explanatory notes inside the front cover of the proposed Local Development Plan before completing this form. The deadline for returning completed forms is 5pm, Friday 5 July 2013. The forms can also be completed online at www.cairngorms.co.uk. You can photocopy this form, or further copies are available from the Cairngorms National Park Authority offices or can be printed from our website.

Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name	Victor Frederick John JORDAN
Address	
Telephone	

2. If you are representing a third party, please give their details.	
Name
Address

 Postcode
Telephone
 Email

To which address do you wish all correspondence to be directed? (please tick)


Own ☒ Agent ☐

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.	H1 Monaltrie Park on page 74 and on the map for Ballater on page 77
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4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).	Please see the separate representation on H1 on page 74. PTO
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4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

- I ask that
- a) the provision for housing north east of Monaltrie Park Ballater made by the proposed local development plan and the sites labelled H1 be removed from the plan; and
 - b) the land now in sites H1 at Ballater be shown instead as protected for agriculture and for open space.
- 

Please return all completed forms to:

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

Forms should be returned no later than 5pm, Friday 5 July 2013.

After that date, you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

If you have any queries regarding completion of the comments form, or require further assistance, please contact the Development Plan team at the CNPA Ballater office:

Tel: 013397 53601 Email: localplan@cairngorms.co.uk

www.cairngorms.co.uk

Data Protection

Details provided will only be used for purposes associated with the Local Development Plan. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environmental Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.



Representation of V.F.J. Jordan on H1 on page 74 relating to Ballater in the Proposed Local Development Plan for the Cairngorms National Park of 2013

1. The issue raised by this representation is that this is an unsuitable site both for inclusion in this plan and in the future, principally for the reasons described below.

2. The objections I put forward apply in any event to the proposal for 50 dwellings in the five to ten years of the plan as the first stage of H1 but that proposal must be judged in the context that it opens the way to the extension of the village by the full 250 dwellings and mixed uses provided for by the site BL/H1 in the adopted local plan. Although the proposed plan has removed the elevated land at the north west from the housing site, the expert evidence which the Park Authority put before the Reporters on what became the currently operative local plan (hereafter referred to as "the adopted local plan") was that BL/H1 could accommodate 250 dwellings without the elevated land. This expert evidence is on page 4 of the report in my production 16. Both stages of H1 together extend to about two thirds of BL/H1. The proposed plan says on page 74 that the master plan for H1 should look at "the long term expansion options for this part of Ballater" and be founded on the work published by the Prince's Foundation. Production 17 shows that the Prince's Foundation planned for the development of the whole of BL/H1, as in the adopted local plan.

3. In view of what is said in paragraph 78 of Circular 1/2009 about parts of plans rolled forward from previous plans, I point out that in paragraphs 5 and 6 of my representation on Chapter 17, Ballater, I have given details of how the slump in the housing market has produced a big change of circumstances compared with the Reporters' conclusion that H1 was effective. I also refer to the unusual if not exceptional fact that, as set out in my e-mail in my production 10, BL/H1 was included in the adopted local plan without the Park Authority's having fulfilled a number of important preconditions laid down by the Reporters. Productions 6, 7 and 8 contain evidence cited in production 10. The Analysis from which excerpts are in productions 7 and 8 and are referred to in production 10 was approved by the National Park Authority at the meeting of the Board on 14th May 2010 and brought about the failure to fulfil the preconditions laid down by the Reporters.

4. The fact that even the first stage of H1 is a large development in any event and the precursor to a large extension of the village shows that it is not planned in pursuance of paragraph 94 of Scottish Planning Policy. Moreover there has been no examination at regional level of the landscape context and urban character of the settlement as enjoined by paragraph 48 of P.A.N. 44, production 15. I submit that there are good reasons for believing that, as urged by Eric Auld F.R.S.A. in his penultimate paragraph in my production 25, Ballater has, in the words of paragraph 48 of P.A.N. 44, reached the "threshold beyond which it should not expand".

Harmful effect on Monaltrie Park

5. H1 would degrade the setting of our small Monaltrie Park by boxing it in to the north east and giving it something of the appearance of an urban recreation ground. Monaltrie Park is not only a recreational benefit to the village but is also of economic value. On average about 5,000 spectators attend the yearly Ballater Highland Games held in Monaltrie Park. Other events can be and sometimes are held there, such as the European Pipe Band Championships held there on 20th May 1995. It is a small park. It needs the spacious view north east towards Tullich to retain its attractiveness as a venue. H1 in itself would be a threat to the economic benefits of this park and to its realizing its full potential.

Change to the appearance and identity of the village.

6. H1 by itself but even more so with the full implementation of the Master Plan will make a conspicuous change to the appearance and identity of the village. In the words of page 68 (production 27) of the version of the adopted local plan put before the Reporters "The Park plays an important role in the community and this must be protected and enhanced." Indeed the Prince's Foundation, on page 12 of their report of 2006 (production 17) refer to Monaltrie Park as "a spiritual focus of the village." An active

football club uses the park which in the past has been home to thriving football and cricket clubs. A proper cricket square used to be visible and the park is still known by some as “the cricket field”. It will be a big change if the countryside is no longer next to the park presenting a notable vista extending to the north east bounded on the south east by the line of trees alongside the Deeside Way and on the north west by the edge of the strath. This vista is the subject of the photographs in production 33.

7. Paragraph 95 of Scottish Planning Policy says that the aim of encouraging housing in the countryside “is not to see small settlements lose their identities nor to suburbanise the countryside.” Ballater is still a small settlement with a population of less than 2,000. Not only will H1 in its first stage change the physical identity of Ballater but the combined effect of both its stages will be to change the identity of Ballater in terms of size, population and socially. This is not only because of the direct effect of the ultimate expansion of the settlement to the full extent envisaged by the adopted local plan but the cumulative effect of incremental changes should be considered according to paragraphs 80 (last bullet point) and 131 of Scottish Planning Policy. As shown in Aberdeenshire Council’s letters of 4th March 2009 and 25th April 2013 (as corrected by the letter of 19th June 2013) in my production 9, from 1984 to the present 335 new dwellings have been built in Ballater making up more than a third of the current total. Another 250 dwellings on a single large site will obviously have a big effect as the Prince’s Foundation recognised. Thus on page 16 of their report of 2006 (extract in production 17) they refer to the extension of the village forming a neighbourhood with its own centre and with civic and commercial activity located at its heart. The change to the appearance of the village also figures in the following section.

Damage to the wider landscape

8. H1 and even more so the full extension of the village there will mar the iconic view south west from Tullich across Ballater towards Lochnagar. Alex Inkson McConnochie in his book Deeside published in 1895, on page 104 of the reprint of 1985 (ISBN 0-948246-00-6), says “The view of Ballater and its surrounding mountains from the neighbourhood of Bridge of Tullich is magnificent, one of the finest prospects on Deeside.” The distinguished artist Eric Auld F.R.S.A., in his statement of 2009 (my production 25) opposing what is in the adopted local plan, calls the view unique and says; “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.”

9. Productions 34(a) and (b) are photographs from a point beside the A93 road between Bridge of Tullich and the start of the Pass of Ballater. Production 34(b) by the degree of use of the telephoto lens shows that houses built in the first stage of H1 will be visible from the point from which the photograph was taken even if trees grow to the north east of the houses.

10. Production 35(a) is a photograph taken by me at the junction of the drive to Dalmochie (shown on the map production 26(c)) with the South Deeside Road (B976) on 13th March 2013. The photograph looks north west across to the elevated land south of Monaltrie house and therefore over the northern part of the second stage of H1. It shows the attractiveness of the landscape there but also the deadening effect of the trees to the east of H1 shielding the houses at Lochnagar Way.

11. Production 32 comprises photographs taken by Michael Preston from the upper slopes of Craigendarroch Hill showing the cars parked in the field next to Monaltrie Park during the Highland Games. The photograph shows the contribution that the area proposed for H1 makes to preserving the attractiveness of this part of the village. The photographs in production 37 taken from hillside to the south east of the village also show the contribution that the fields of H1 make to preserving the landscape from suburbanisation.

12. Houses on H1 will block views and potential views from the south east to Monaltrie House, an important listed building in a significant position. Professor Emeritus David Walker, O.B.E., L.L.D., D.Litt., F.S.A., H.F.R.I.A.S., Chief Inspector of Historic Buildings in Scotland from 1988 to 1993, in commenting on the adopted local plan said that Monaltrie House was the most historic building in the Ballater area, unique among Scottish country houses, and that its landscape setting is the key element in its importance as an historic building. Production 36 comprises photographs from the Deeside Way looking slightly west of north over the second stage of H1 towards Monaltrie House.

13. The Cairngorms Landscape Character Assessment of 1996 (*CD 7.7) 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”. There is a specific reference to Ballater implying that there should be no more building in the strath to the north east. The relevant sheet of the guidelines is my production 20.

14. Aberdeenshire Council recognised the environmental importance of the strath north east of Monaltrie Park. On 24th June 2004 they approved the decision of the Infrastructure Services Committee on 14th June 2004 rejecting objections to their duly advertised proposal to modify what became the local plan of 2006 by removing the designation of land north east of Monaltrie Park as an area of search for a site for housing and by extending the protected area to cover the whole of what is now the two stages of H1 in the proposed plan. In his statement explaining this modification Mr. William Ashcroft on behalf of Aberdeenshire Council said “the protected area has been extended in recognition of the importance to the settlement of this area as open space both in connection with the staging of the Highland Games and with the area’s potential for contributing to the character and amenity of the settlement as a whole.” Regrettably, the Reporter rejected the modification. Mr Ashcroft’s statement and the map showing the modification are my productions 19(a) and(b).

15. I submit that even if there were a valid justification for H1 it would fall to be removed from the proposed plan under section 9(6) of the National Parks (Scotland) Act 2000 asp10 as being in conflict with the first national park aim in section 1(a) of the Act of 2000, namely “to conserve and enhance the natural and cultural heritage of the area.”

16. Paragraph 132 of Scottish Planning Policy says “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.” I submit that whether or not the views I have expressed are accepted I adduce sound evidence in this representation that such significant irreversible damage could occur.

Effect on tourism

17. From my own conversations with persons from outside the village and anecdotal evidence from other residents of Ballater, it is clear that the existing housing development north east past the industrial park alongside the A93 has damaged the reputation of Ballater as an attractive place to visit. On the basis of this evidence building houses across the strath north east of the existing village will render the village not just, as at present, an object of some pity but as something akin to an object of ridicule and the whole national park along with it. It is not surprising that Mr. William Houston, in his evidence (production 2) says that it would be a “disaster” for the tourism industry on which the village largely depends. For many visitors, including for instance those on coach tours, upper Deeside is attractive for the prettiness of the valley floor to which the hills are a backdrop. This is very different from Aviemore, dominated by the sensational view of the escarpment of the Cairngorms, or Chamonix. I remember that in the 1960s Ballater on an Aberdeen holiday would be teeming with visitors from Aberdeen but this no longer seems to be so. Part of the explanation I assume is that, as Mr Houston testifies, competition in the tourist industry is fierce. Mr. Houston has considerable experience of promoting schemes that have helped to boost the economic and general well being of Ballater and I would hope that the National Park Authority would pay some heed to his views in production 2.

Access and circulation of traffic

18. H1 would not be conveniently accessed from the existing village. The Scottish Government’s Consultation Draft “Designing Streets” dated January 2009 used Ballater as an example on page 33 stating that the ability for future growth is not compromised in the south west of the village but more recent development of a cul de sac type in the north east does not allow for connected growth of the village. Page 33 is my production 18.

* CD refers to the core documents relied on by the Park Authority before the Reporters on the adopted plan.


before the Reporters was the map on page 7 of the Report of Andrew McCafferty Associates in my production 16. As can be seen from pages 8 and 9 of the report in production 16, S.E.P.A. conditionally withdrew their objection on the basis of the Flood Risk Assessment of W.S.P. The Reporters rejected the request of objectors that the Assessment be put before the Reporters for consideration at the hearing.

27. With financial help from some other residents of Ballater I recently commissioned EnviroCentre Ltd to review the Flood Risk Assessment done by W.S.P. Development and Transportation. One of the reasons I was led to seek this review was the fact that S.E.P.A.'s map shows a large island of land extending from near the B972 south east across the A93 as free from medium to high flood risk whereas WSP's map on page 7 of the report in my production 16 shows that land as subject to a medium to high flood risk. I have outlined this land in red on the part of S.E.P.A.'s indicative map which is my production 26(c). This is a discrepancy that as a layman I would not have expected as W.S.P. showed less ground at H1 subject to medium to high flood risk than S.E.P.A.'s map. I presumed that WSP had calculated that the flood waters would not rise as high as assumed in the calculations on which S.E.P.A.'s map had been based. In view of the findings by EnviroCentre summarised below I must make it clear that the land to which the above discrepancy relates is not part of BL/H1 or H1 but is further to the north east.

28. EnviroCentre Ltd's review dated 25th June 2013 is my production 3. A salient finding on page 5 is that the assumption of WSP that an area of land forming the north part of the fields of H1 is higher than certain adjoining land to the south is not consistent with the topographic survey data. EnviroCentre's conclusion on page 6 is that the flood plain in the H1 area is misrepresented in the hydraulic model used by WSP and results in an inaccurate 1 in 200 year flood extent at the site. EnviroCentre say it would be prudent to undertake further assessment of flood risk in the area to more accurately determine flood levels and extent prior to any development as these may be a constraint to the safe development of the site.

29. Paragraph 204 of Scottish Planning Policy makes it clear that the risk framework should be applied when a development plan is prepared. This has not been done in the case of H1 or BL/H1. S.E.P.A. conditionally withdrew their objection to BL/H1 on the basis of WSP's flood risk assessment. The Reporters in effect rubber stamped the conditional withdrawal as can be seen from their paragraph 48.38 in my production 6. It is for the decision maker, whether Reporter or Planning Authority, to make the decision. Moreover it is inherent in paragraphs 196, 198, 200 and 204 of Scottish Planning Policy that in making that decision the decision maker should weigh up all the evidence including flood risk assessments. Paragraph 202 of Scottish Planning Policy says it is not possible to set planning policy solely according to calculated probability of flooding but planning authorities should take a precautionary approach.

30. The question of flood risk should not be postponed to the stage of a planning application but the risk framework should be applied now. In view of the report from EnviroCentre the site should at the least be regarded as constrained and be treated as non effective and removed from the plan



LIST OF PRODUCTIONS

List of Productions of Victor F.J. Jordan in support of representations on the proposed local development plan of 2013 for the Cairngorms National Park

Cairngorms National
Park Authority
04 JUL 2013

RECEIVED

1. Representations of V.F.J Jordan on Housing Requirement and Supply.
2. Statement of William M. Houston.
3. Copy of EnviroCentre Ltd's review of the Flood Risk Assessment done by WSP for Scotia Homes Ltd.
4. Copy of (a) details from Aberdeenshire Council's draft Housing Audit for 2013 and (b) extracts from it: paragraphs 1.1-1.4.6, Glossary, definitions and Appendix 2 page 53 covering Ballater.
- 5 (a) Copy of extract from Aberdeenshire Council's Housing Audit for 2010: section 8 and details for Ballater (b) Copy of extract from Aberdeenshire Council's Housing Audit for 2012: section 8.
6. Copy of extracts from the Reporters' Report of December 2009 on the local plan as modified at October 2008: paragraphs 7.27-7.37 and 48.9-48.53
7. Copy of the National Park Authority's Analysis of 14th May 2010 relating to General Land Supply.
8. Copy of the National Park Authority's Analysis of 14th May 2010 relating to Ballater Housing Allocation H1.
9. Copy of selection from correspondence with Aberdeenshire Council including selected enclosures.
10. E-mail dated 17th November 2011 of V.F.J. Jordan, questioning the justification for Ballater H1, to Gavin Miles, planning officer of the National Park Authority.
- 11 (a) Copy of letter of 22nd July 2011 to MSPs. (b) Response of 29th July 2011 from Richard Baker MSP.
12. Extract from "A Design Workshop for Ballater" by Urban Design Associates and The Prince's Foundation 14th December 2009 (commissioned by Scotia Homes): pages 42-43.
13. Letter from Councillor Argyle in the Deeside Piper of 21st September 2012.
14. Wording of Petition and analysis of its collection by P.J.Swan.
15. Extract from Planning Advice Note 44 Fitting New Housing into the Landscape: paragraphs 47-51 on pages 53-54.
16. Copy of covering letter of 15th May 2009 from Cairngorms National Park Authority and report of May 2009 by Andrew McCafferty Associates.
17. Extract from Ballater Summary Report Enquiry by Design, November 2006 published by The Prince's Foundation for the Built Environment: pages 12-20.
18. Extract from the Scottish Government's Consultation Draft "Designing Streets" dated January 2009: page 33.
19. (a) Copy of statement of William Ashcroft of 2004 on behalf of Aberdeenshire Council (b) copy of modified map.
20. Copy of Landscape Character Area Guidelines for Straths in Character Areas 16 to 20 of the Cairngorms Landscape Character Assessment of 1996 done for Scottish Natural Heritage by the Turnbull Jeffrey Partnership.
21. Copy of correspondence between V.F.J. Jordan and the Chief Executive of the Cairngorms National Park Authority.
22. Ballater and Crathie Community Council's Vision Statement (a) from their web site and (b) from the web site of the Cairngorms National Park Authority.
23. Copy of extract from the Cairngorms National Park Plan 2007: page 72.
24. E-mails about numbers of affordable houses in the National Park.
25. Copy of statement of Eric Auld F.R.S.A. about the proposal now BL/H1 in the adopted local plan.
26. Print of extracts from S.E.P.A.'s Rivers and Coastal Flood Map: (a) Terms and conditions (b) map covering Ballater and (c) map on which the land involved in the discrepancy has been outlined in red.
27. Extract from the deposit local plan as modified at October 2008: (a) part of page 68 (b) page 68.

- 28. (a)** Admission on behalf of the Cairngorms National Park Authority. **(b)** Copy of extract from Strathdon Sheet 37 of the Soil Survey of Scotland published by the Macaulay Institute for Soil Research, Aberdeen; portion showing Ballater and **(c)** Extract from that sheet showing the legend for land suited to arable cropping.
- 29.** Copy of e-mailed correspondence in April 2011 between P.J. Swan and the James Hutton Institute (incorporating the Macaulay Institute).
- 30. (a)** Report from Press and Journal of 22nd April 2011 about loss of hill farming ground to forestry and possible need to give land of class 3.2 and 4-5 grades similar protection to prime agricultural land . **(b)** Report from Press and Journal of 17th October 2012 about shortage of land for livestock farming.
- 31.** Copy of extract from report by Director of Housing and Property to the Resources Committee of Highland Council of 18th August 2010 on Disposal of Land by Local Authorities (Scotland) Regulations.: paragraphs 1.0 to 3.1 of which 1.6 refers to prioritising surplus council land for affordable housing.
- 32.** Photographs by Michael Preston from the slopes of Craigendarroch Hill on the day of the Highland Games **(a)** over Monaltrie Park and the land proposed for H1 and further down stream and **(b)** over Monaltrie Park and part of H1.
- 33.** Photographs showing the vista north east from Monaltrie Park **(a)** taken by Victor F J Jordan on 13th March 2013 and **(b)** taken by Michael Preston on 10th October 2012.
- 34.** Photographs looking south west towards H1, Ballater and Lochnagar **(a)** taken by Michael Preston on 21st August 2012 in the presence of Victor F.J. Jordan from the A93 close to Bridge of Tullich and **(b)** taken by Michael Preston on 10th October 2012 from the A93 a short way north east of the junction with the Pass of Ballater (B972), the telescopic lens used so as to identify fields visible from there.
- 35.** Photographs looking north west over part of H1 to the elevated land south west of Monaltrie House **(a)** taken by Victor F.J. Jordan on 13th March 2013 from the junction of the drive to Dalmochie with the South Deeside Road (B976) and **(b)** taken by Michael Preston on 4th October 2012 from a similar direction.
- 36.** Photographs from the Deeside Way looking slightly west of north towards Monaltrie House taken **(a)** by Michael Preston on 21st August 2012 in the presence of Victor F.J. Jordan and **(b)** by Michael Preston on 10th October 2012.
- 37.** Photographs **(a)** and **(b)** taken by Michael Preston on 1st October 2012 from hillside south east of Ballater.

ATTACHMENTS AVAILABLE TO VIEW ON REQUEST