# Cairngorms National Park Local Development Plan 2020 Main Issues Report Consultation Friday 17 November 2017 – Friday 2 March 2018

This is the submission from Rothiemurchus Estate. Rothiemurchus includes large parts of the Cairngorms and River Spey Natura sites; the overall purpose is sustainability and key to this is its policy of biodiversity enhancement which engages visitors in caring for wildlife and promotes enjoyment in ways which do not conflict with other objectives.

We aim to deliver the outcomes required to make a successful National Park in accordance with the National Parks (Scotland) Act. It takes a team of over 60 staff as well as partner businesses and their staff to look after the land and enable those who enjoy their Right of Responsible Access - an average of more than 1,000 visits per day throughout the year, approx. 20% of all visits to the National Park.

This response aims to encompass our main issues positively and constructively.

We look forward to seeing how the Cairngorms National Park Authority (CNPA) takes forward these comments and confirm that we would be pleased to explain further in writing or at meetings. We believe is of vital importance to take forward our mutual understanding of the complexities of the Park and its future in a spirit of partnership that seeks to address all of the aims of the Park in a homogenous and sustainable manner.

Most significantly, if you or others do not agree with these comments, we need to know why, on what basis and have an outcome and delivery focused discussion.

# Comments

# Introduction

The introduction should include a chapter defining the heritage as being both what we inherit and what we leave behind; e.g. important that biodiversity is enhanced and that the cultural heritage is enriched in terms of sustainable land use settlement pattern, buildings, music, dance, language and sport.

# Page 5:

The last paragraph reads:

'These aims are to be pursued collectively. However, if there is conflict between the first aim and any of the others then greater weight must be given to the first aim.'

This is an incorrect and misleading paraphrase of the National Parks (Scotland) Act. To be clear and engage communities and stakeholders in supporting the Local Development Plan (LDP) it should include the general purpose of a National Park authority and quote 9 (6) in full:

#### 9 General purpose and functions

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

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

**Reason:** To avoid confusion, disappointing visitors and wasted resources, CNPA and our team need to be aligned on this. It is therefore important to explain and engage.

The general purpose of the Authority is collective achievement of the aims, not separately or one at a time as set out in the Main Issues Report; so the LDP process should approach the issues in a co-ordinated way and consultation should be carried out bringing different interest groups together to listen and learn from each other to find solutions, not leaving them to fight it out in the press and the Courts with the National Park Authority diminishing its role to that of a Social Media like platform in which different communities of interest confirm their own prejudices, without attempting to find solutions.

Historically the situation had been reached where the media had become the default method of communication and most key decisions were being made in the courts or by Ministers. To change this between approx.1989 and 1997 considerable investment was made by government, public bodies, communities and voluntary bodies to bring different national, regional and local stakeholders together to resolve Cairngorms issues and challenges here within the Cairngorms. The absence of that process is highly likely to bring a repeat of the expensive and damaging public enquires and legal challenges that took place between 1975 and 1987, with the main beneficiaries being lawyers and Q.C.s, not nature and people in Cairngorms.

## Page 8: Long term vision and outcomes for the Cairngorms National Park

Yes, however the vision as expressed in the Partnership Plan must be understood as supporting the National Parks (Scotland) Act, not undermining it. The collective achievement of the aims in relation to the National Park in a co-ordinated way is the only process by which the vision can be achieved. **Reason:** To engage support from partners and to be proof against legal challenge the LDP legal requirements must be followed by CNPA.

# Main Issue 1 Over-arching development strategy

## Page 15: - Question

Yes, we agree with the preferred option, BUT, this is written as if the Cairngorms National Park Authority can make things happen. While the planning system's priority is to encourage sustainable development, it can only refine development. To be in accordance with and help deliver the Cairngorms Economic Strategy which recognises the fragile nature of the economy, every encouragement should be given to the provision of high quality employment through the park that can be provided sustainably; i.e. no need to constrain places away from settlements if in accordance with the Economic Strategy. Confident staff and families delivering all four aims of the Park are critical for its success.

# Main Issue 2 Designing great places

# Page 19: - Questions

Yes, we agree that all developments should provide a statement on how they have involved their neighbours/ community and have addressed the new Policy.

No, we do not agree that there should be a clearer policy 'to set out when tools such as masterplans and development briefs will be used'; it would prevent innovation. The reason our streets are boring is because it is always easier to get approval for a design that has been approved before; this would compound the issue.

# Main Issue 3 Impacts and opportunities from the A9 and Highland Main Line upgrades

Page 22: - Questions

Yes

Yes

# Main Issue 4 Housing

## Page 25: A How much new housing and where should it be built?

## Background

A forecast of a declining population of younger people is a major issue which should be addressed by the LDP.

We are very pleased that it is recognised that the housing numbers; 'are only a starting point'.

An Camas Mòr commissioned the Highlands Small Communities Housing Trust to survey and understand the housing need for people currently living in Aviemore and the vicinity and those with an aspiration to live and work in the area. There were 520 respondents of which 401 gave their financial position enabling the Highlands Small Communities Housing Trust to assess their ability to afford a home. This is many more than the 260 on the - the housing authority (The Highland Council) waiting list; most of them were seeking single bedroom accommodation. The additional people responding to the Highlands Small Communities Housing Trust is likely to be made up of people who did not consider themselves as qualifying for an affordable home against the availability and demand ratios published on the web site and others because if they could not get an open market home here would prefer to move to another job and location where they could.

**Page 26:** No to the Preferred Option; Use of the HNDA is required by the Scottish Government process for establishing need as a starting point, but judgement must be exercised by the authority to ensure that housing need is provided for. In this case the Highlands Small Communities Housing Trust survey shows a many more people in need of 2-3 bedroom homes than that indicated by the HNDA.

Also, it should be noted that it takes a development with affordable house sites approx. ten years in the planning process, so sufficient land should be identified well ahead. For example, An Camas Mòr, identified in 1997 in the Local Plan for development from 2015, is only now about to be issued with its final approval, i.e. it will be 15 years from inclusion in the Local Plan to the first homes being occupied. See attached An Camas Mòr planning timetable.

### Page 27: Proposed Housing Supply Targets

The Cairngorms National Park is one of the lowest populated areas of its size in the UK. Approx 50% is Natura 2000 which leaves 50% available for other uses. EU and national policy supports development in a Natura site so long as it does not affect the integrity of any Natura site.

This is a misleading statement. We believe that this statement sets local people against biodiversity enhancement and does untold damage to conservation; it undermines the credibility of reasonable information about responsible access provided to people enjoying the outdoors.

## Expected housing contribution from exiting housing sites

#### Page 29: Question 1: No

**Question 2**: Judgement needs to be exercised by the authority taking advice from Community Councils and other locally elected members and with reference to any independent surveys.

## Page 30: B) Housing growth around Aviemore

This refers to uncertainty over the delivery of An Camas Mòr and suggests an interim '*alternative*'. The supposition is based on an erroneous claim that because it was first included in the Local Plan in 1997 that it could have been built a long time ago.

It fails to mention that its inclusion in the 1997 Local Plan was on the basis that it would not be started until after 2005. It fails to mention that then the CNPA recommended that the application should not be prepared until 2007, preparation took 2 years with submission in 2009 and then took until March 2014 to determine and issue. See attached planning timetable.

It does mention "We will continue to work with the site owners and their design team to deliver An Camas Mor" but does not mention that there are new ambitions from the public bodies for an even higher level of public infrastructure to be implemented from the start. On the current timetable development should start in 2019.

## Page 33: Question:

We do agree that long term development land such as An Camas Mòr should be identified in LDP because it enables developers to prepare a site for development well in advance; for example tree planting was recommended by the Reporter for An Camas Mòr in 1997 to make a woodland community

Of the 9 years that An Camas Mòr has been in the planning process, 5 years have been waiting for the CNPA to take decisions. If An Camas Mòr was to be further delayed by the Planning system at this stage it would undermine the whole principle of long term planning that is required to deliver housing, infrastructure and improve the quality of 'place'. This could undermine developer confidence in long term planning throughout Scotland.

Repeating the emergency or short term 'sticking plaster' approach to meeting urgent needs for homes as practised in the past in Aviemore would compound its challenges, ignore the continuing wishes of the community expressed by Aviemore and Vicinity Community Council, remove the hopes of the infrastructure Aviemore needs - recreation areas, playing fields, expanded countryside park, allotments, sites for public buildings such as a new primary school, community hall and the diversification of employment as required by the Cairngorms Economic Strategy.

An Camas Mòr, an Aviemore and Vicinity Community Council proposal, was adopted into the Local Plan for development after 2015. This was in anticipation of the existing Aviemore boundary becoming nearly fully developed and to meet the needs for playing fields and parkland where the communities can come together and a recreation space which residents and visitors alike can enjoy.

Rothiemurchus accepted this idea and has invested considerable sums in taking it forward in good faith. The reason it has not been delivered yet is the "speed" of the planning service and changing public policy over time. Submission for Planning Permission in Principle was made in May 2009 and issued in March 2014; workshops including public bodies started in August 2014 and with them it was decided to renew the

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Planning Permission in Principle in 2016. This was submitted in Feb 2017, but the full draft Section 75 and conditions have not yet been issued.

When CNPA issues a viable permission, work can continue with the involvement of the public bodies.

It is inappropriate for CNPA to suggest that An Camas Mòr might not be deliverable. Public policy is to encourage long term planning of sustainable communities and this area really needs it to make up for all the emergency and short term decisions that have been made in the past, leaving the community bereft of a designed place appropriate for a National Park, appropriate housing, public space, community facilities and with no space to diversify its economy.

We do not agree that there is any need to identify other land to replace An Camas Mor however we do not object to other land being identified for development in the vicinity of Aviemore providing it is supported by the local community as expressed by Aviemore and Vicinity Community Council and comparable conditions are applied as those to be borne by An Camas Mor

To maintain confidence in the planning system, every effort should be made to assure delivery as envisaged at the time of its inclusion in the Local Plan.

# Main Issue 5 The affordability of housing

## Page 35: Preferred options - Questions

The amount of affordable housing should be maximised in accordance with the CNPA special guideline by matching mix to need. The percentage will be determined by the viability test that provides a fair return for land, infrastructure, community benefit, the builder and the Registered Social Landlord as applicable. Fair return is the industry standard.

So NO, we do not agree that there should be a set minimum %.

We do agree that CNPA should require a mix of houses / flats and sizes to be informed by research into need and the viability test

## Main Issue 6 Economic Development

**Page 43: Question** No: it is critical to looking after the National Park, those who come to enjoy the Park, to provide a resilient economy that is not over reliant on one industry and provides choices of employment, especially higher paid employment as outlined in the Cairngorms Economic Strategy. It should therefore be permitted in all appropriate locations throughout the Park.

# Main Issue 7 Impacts on Natura Designations

# Page 45: There is no need to wait for the next Local Development Plan to do this. CNPA and SNH have all the powers necessary to safeguard wildlife from human disturbance.

Successful delivery of the Capercaillie Framework depends on participation by all who enjoy and or manage the forests and wildlife and/ or provide for outdoor recreation; the first step should therefore be wide public consultation using professional facilitation on its content.

This consultation should also include addressing human disturbance to other species, livestock and other people enjoying the right of responsible access; e.g. the resolution of conflict between walkers and bikers on shared paths.

We agree that the new local plan should include a coordinated approach to collective achievement of conservation of the natural heritage as required by the National Parks Act.

**Similarly, Scottish Natural Heritage has duties** to publicise and to promote understanding of the Outdoor Access Code and to keep the Code under review. It was recently reviewed, and no change was sought in respect of responsible access in Nature Reserves and other Conservation areas. This is the policy that has been practised at Rothiemurchus on the advice of SNH for a long time and we are pleased that the Capercaillie Framework gives recognition to its success; it is clear that by implementing the Code there has been no effect on the integrity of Natura 2000 sites as a consequence of additional disturbance arising from the additional visitors enjoying the forest over the last ten years.

We welcome the recent Katrina Brown, James Hutton Institute report and look forward to seeing the new experimental signs that the CNPA is to trial. The package of land manager responsibilities recommended in the Capercaille Framework provides confidence for the future.

# Main Issue 9 Flood risk and climate change resilience

## Page 53:

Flood: there should be a presumption towards the provision of water retention features to even out flooding events; this should where practical include the provision for electricity generation.

Waste water treatment: a policy regarding waste water treatment that encourages innovative biological solutions to treatment should be consulted on; we need to keep up with other near pristine areas around the world where these have become normal.

### Question

SUDS, Yes, agree.

# **Settlement-based issues**

## Page 61: AN CAMAS MÒR

It should be expected to meet the needs of Aviemore and Vicinity; especially those whose jobs are within An Camas Mòr and on the Cairngorm side of the River Spey and for diversification of employment to improve resilience of the local economy. Other villages will also need to grow to meet their demand and keep their schools open, so it should not be there to meet the bulk of the housing requirements of the Cairngorms National Park, although that might happen for a short period. Other villages should develop at an appropriate scale for them. We believe that the CNPA's Principles for An Camas Mòr should be taken forward and it is correct to describe it as a new sustainable community with up to 1500 residential units, associated business and community facilities and infrastructure. It should not be described as a large development; at an average of 50 homes a year over 30 years it is not large, but it will eventually be larger than most in the Cairngorms National Park. As a new sustainable community with 1,500 homes it is small, comparing with Tornagrain at 5,000 homes or Chapelton at 8,000 homes. In 2009 it was one of 11 proposals awarded Exemplar Status by the Scottish Government's Sustainable Communities Initiative from 123 applications with over 80 projects shortlisted.

The orange site; THC 031; much of this is in the River Spey flood plain, there might be opportunity for recreational and other light use in that area. Note there is also a palisaded enclosure within it. The River Druie flood plain area is now protected by an embankment upstream of the Dell Farm. This should be noted on the plans.

#### Page 63: AVIEMORE

This is located within and next to the Cairngorms National Scenic Area: as such development should be managed to be screened by trees from views from the NSA, the way that CNPA takes a view on proposals outside its boundary that may impact on the enjoyment of the Park.

Historically Aviemore has been developed in response to crisis; it requires a plan with space for community facilities, halls, playing fields, outdoor meeting places, path networks, biodiversity and landscape planning.

#### Reason:

- 1. The lack of recreation facilities has led to people having to make their own; such as unauthorised biking trails in woodlands.
- Prominent buildings above the tree canopy are an eyesore to people enjoying the NSA, especially in Rothiemurchus.
- 3. It does not make it easy for people to meet people.
- 4. Architecturally it lacks a sense of place or coherence
- 5. There is an absence of public space designed for that purpose
- 6. It is 'sprawl' and 'strip' development confined by the River Spey, 2 major roads, 2 railway lines and Craigellachie Hill.

Aviemore Main Road as a place to live, work and visit was transformed by the urban regeneration work of the Aviemore Partnership – The Scottish Government, Highland Council, the Highland & Islands Enterprise network, Scottish Homes and the local community in the 1990s, but all that work appears to have been forgotten by the planning system.

# E.g.

http://www.highland.gov.uk/download/downloads/id/1761/aviemore\_north\_development \_brief.pdf

# Page 109: Inverdruie and Coylumbridge - Consultation Questions

We support these proposals

# Reason:

- Small scale services and attractions for visitors are encouraged
- Larger scale Homes and community facilities are provided at An Camas Mòr
- Small scale business and farm development is encouraged.

Note however that to meet the aims of the Park Partnership Plan and Historic Scotland,

it will be necessary to enhance the use of buildings outside the village boundary as well.





# Cairngorms National Park Local Development Plan 2020 Main Issues Report

# **Comments Form**

# Introduction

We are asking for your views on the big issues that the Cairngorms National Park Local Development Plan 2020 will need to address and the options for tackling them. The Main Issues Report sets out choices for the land allocations that could be made for development, and for policies that will be used to make decisions on applications for planning permission. This consultation is your chance to influence the new Local Development Plan to help make sure it:

- provides the homes, jobs and services that our communities need
- protects and enhances the Park's unique environment and cultural heritage for future generations

# The consultation runs from **17 November** 2017 to 2 March 2018.

- All documents are available to view at **www.cairngorms.co.uk**
- Comments can be emailed to
   planning@cairngorms.co.uk
- Or posted to: Cairngorms National Park Authority FREEPOST NAT 21454 Grantown-on-Spey PH26 3BR

**Please use extra sheets if required.** Alternatively, an online version is available to complete at **www.cairngorms.co.uk** 

All comments must be received by 5pm on Friday 2 March 2018.

# Your details Title ... Name Organisation (if applicable) Rothiemurchus Estate Address ... Email Email Telephone Please tick if you are happy to receive correspondence via email

Please tick to confirm you are happy for us to hold and use your personal data according to fair collection purposes

Please note we will not store personal data for anyone aged 16 or under – please tick if you are aged 16 or under

# Data protection

Your details will only be used for purposes associated with the Main Issues Report consultation and Cairngorms National Park Local Development Plan 2020, You may request to see personal information held by the CNPA at any time.

# Fair collection statement

As a registered Data Controller, the Caimgorms National Park Authority will collect, store and use your personal data for the purpose of informing the content of the Caimgorms National Park Local Development Plan 2020. We will not publish any address information, but may include your name against any comments, if you have confirmed that you are happy for us to do so in the 'Your Details' section.

# Planning in the Cairngorms National Park

Q: We propose to use the vision and long-term outcomes set out in the National Park Partnership Plan as the 'vision statement' for the Local Development Plan.

Do you agree with this approach?

Select

Please explain your answer

# 1) OCUMEN SEE VORD 16.00 Hrs

# Progress in delivering the current Local Development Plan

- Q: Do you agree with our conclusions about the changes that need to be made to policies in the existing Local Development Plan? Select
- Q: Do you think any other changes are needed? Select

Please explain your answers

# Main Issue | Over-arching development strategy

Q: Do you agree that the overall development strategy of the current Local Development Plan remains appropriate, and that we should use this as the basis for the next Local Development Plan?

Please explain your answer

## Main Issue 2 Designing great places

- Q: Do you agree that the new Local Development Plan should include a new policy requiring development proposals to show how they meet the six qualities of successful places?
- Q: Do you agree that we should include a clearer policy in the new Local Development Plan to set out when tools such as masterplans and development briefs will be used?

# Main Issue 3 Impacts and opportunities from the A9 and Highland Main Line upgrades

- Q: Do you agree with our proposals to allocate new employment land to take advantage of the opportunities for inward investment associated Select with the A9 and rail upgrades?
- Q: Do you agree that we should seek to support those communities that are at risk of being by-passed by the A9 dualling project?

Select

Please explain your answers

Please explain your answers

## Main Issue 4 Housing

- A) How much new housing do we need and where should it be built?
- Q: Do you agree with our proposed Housing Supply Targets for the next Local Development Plan?
- Q: Do you agree that the proposed Housing Land Requirements are sufficiently generous?
- Q: Do you agree with our overall conclusions about the need for additional new housing sites in the new Local Development Plan?

Please explain your answers

# B) Housing growth around Aviemore

Q: Do you agree that we should include long-term development land in the Local Development Plan which could be released for development in the event that An Camas Mòr does not progress as envisaged?

Please explain your answer

## Main Issue 5 The affordability of housing

- Q: Do you agree that we should increase the affordable housing requirement to 35% in Ballater and Braemar, and to 45% in Aviemore and Blair Atholl?
- Q: Do you agree that we should include policies to require a greater mix of house types and sizes, including more smaller homes?

Please explain your answers

## Main Issue 6 Economic development

Q: Do you agree that the new Local Development Plan should identify a limited number of new economic development sites?

Please explain your answer

## Main Issue 7 Impacts on Natura designations

Q: Do you agree that the new Local Development Plan should include a more co-ordinated approach towards delivering wider packages of capercaillie mitigation and conservation measures?

Please explain your answer

## Main Issue 8 Planning obligations

- Q: Do you agree that the new Local Development Plan should include a revised and more rigorously justified policy on planning obligations?
- Q: Do you agree that this should be supported by more specific guidance in the plan about what planning obligations will be required in different settlements/locations?

Please explain your answers

## Main Issue 9 Flood risk and climate change resilience

Q: Do you agree that the new Local Development Plan should include a stronger policy requirement for SUDS to be considered in all new development proposals?

Please explain your answer

## Main Issue 10 Land management in upland areas

Q: Do you agree that the new Local Development Plan should include an amended policy to reflect the National Park Partnership Plan's presumption against new hill tracks in open moorland areas?

Please explain your answer

# Settlements

Please tick which settlement you are commenting on. Comments for different settlements should be provided on separate sheets.

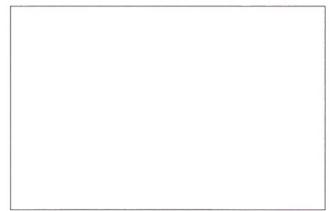


# (Y/N - delete as appropriate)

- Q: Have we identified the right issues for this settlement (where relevant)? Select
- Q: Do you agree with the proposed settlement objectives? Select
- Q: Do you agree with the preferred site options (where relevant)? Select
- Q: Do you agree with the protected open spaces (where relevant)? Select
- Q: Do you agree with the proposed settlement boundary (where relevant)? Select

Please explain your answers

# If you have any other general comments on the topics you think the Local Development Plan 2020 should address, please let us know.



# What happens next?

Consultation responses will be collated and a report of the consultation published. We will use this to inform the preparation of the Proposed Cairngorms National Park Local Development Plan 2020. We expect to publish this for a further period of public comment in late 2018.

We will regularly update on progress via www.cairngorms.co.uk and on Facebook and Twitter via @cairngormsnews and #BigParkBigQuestions.

# Queries

Cairngorms National Park Authority, 14 The Square, Grantown-on-Spey, PH26 3HG Tel: 01479 873535 Email: planning@cairngorms.co.uk

# An Camas Mòr Key Planning Dates as at 23 February 2018

# First included in Local Plan in 1997 for development from after 2015

Aviemore and Vicinity Community Council vision 1989	1989
The Highland Council study of alternatives	1990
Public Local Enquiry	1994
Local Plan Adopted An Camas Mòr for <u>development from 2005</u>	1997
An Camas Mòr action group meets under the Chair of The Highland Council	1999
Background Report Circulated to the Authorities	2000
CNPA agrees that it is the right time to conduct the full environmental assessment and make a planning application.	2007
Workshops and Consultation; studies, preparation of land use plan and Environmental Assessment	2007-9
Submission of Planning Application	May 2009
Issue of permission	March 2014
Work with public bodies on the design of external public infrastructure and business plan	August 2015 to
	September 2017
Re apply for planning permission to provide confidence for investment	February 2017
Expected Issue of planning permission (see current action below)	April 2018

# Current Step. (4-week slippage)

Start Date	End Date	Action	Who By?
	18 Aug 2017	Report Determined by CNPA Planning Committee	СПРА
	l Dec 2017	Heads of Terms agreed between ACM LLP & CNPA	CNPA/Applicant
Wk of 29 Jan 2018	9 Feb 2018	Review first draft of legal agreement with agreed heads of terms	CNPA/Applicant
Wk of 12 Feb 2018	22 Feb 2018	Legal Agreement changes drafted	CNPA/Applicant
Wk of 26 Feb 2018	09 March 2018	Legal Agreement signed Advertising fees paid	CNPA/Applicant/The Highland Council
09 March 2018	l6 March	Decision Notice Issued	СЛРА

NEXT STEPS; this is an estimated fast track.

Consider the Planning Permission in Principle, recreation, housing and viability options and	Spring 2018
Consider the Hamming Fermission in Frincipie, Feer cation, nousing and Habiney options and	

July 2018
December 2018
April 2019
June 2019
September 2019
2020
2050