

**THE HIGHLAND COUNCIL**  
**BADENOCH AND STRATHSPEY COMMITTEE**  
**PLANNING, DEVELOPMENT, EUROPE AND TOURISM**  
**COMMITTEE**  
**25 January 2006**

<b>Agenda Item</b>	<b>4</b>
<b>Report No</b>	<b>BS1406</b>

**CAIRNGORMS NATIONAL PARK LOCAL PLAN**  
**CONSULTATIVE DRAFT**

**Report by Director of Planning & Development**

**SUMMARY**

The Cairngorms National Park Authority has published the draft Cairngorms National Park Local Plan for consultation. This report sets out representations on the Council's behalf, embracing its remit as Planning Authority and role as statutory provider of other services. Committee is invited to agree these representations for its interest and to recommend to the Planning Development Europe and Tourism Committee that they are forwarded to the Cairngorms National Park Authority. The Draft Local Plan can be viewed at [www.cairngorms.co.uk](http://www.cairngorms.co.uk).

**1.0 BACKGROUND**

- 1.1** The Council is a statutory consultee in respect of the Cairngorms National Park Local Plan. The Plan has been circulated to Council Services with an interest and further to discussion with Service colleagues in Badenoch and Strathspey and at HQ, the following representations embrace the Council's corporate interests and its remit as joint and adjoining Planning Authority.
- 1.2** Given that the Councillors for Badenoch and Strathspey are also members of the National Park Authority and that representations refer to Highland-wide matters, the Council's response will be transmitted through the PDET Committee which will consider these matters on 25<sup>th</sup> January 2006. The Council has subsequently received the Cairngorms National Park Local Plan Strategic Environmental Assessment. Subject to Committee's approval of the following representations, it is recommended that the Council's substantive comments on the SEA report be agreed with the respective Chairs of this Committee and PDET Committee. Representations in relation to both matters, are invited by the Park Authority, by 28<sup>th</sup> February 2006.
- 1.3** The Council's representations to the Consultative Draft Local Plan are in two parts. Part 1 refers to matters omitted, which are believed to be of strategic significance or of particular relevance to Services. Part 2 refers to the contents of the draft Local

Plan. These representations are intended to influence the direction and thrust of the Plan. The Appendix refers to particular matters of detail, which may necessitate adjustments in policy, dependent on the Park Authority's consideration of the Council's overriding views on matters of strategy and principle.

## **2.0 CAIRNGORMS NATIONAL PARK CONSULTATIVE DRAFT LOCAL PLAN**

### **PART 1 - STRATEGIC MATTERS**

- 2.1** There are a number of key strategic matters which have not been adequately addressed in the draft Plan. The Council would therefore stress the following points, in the expectation that further detailed discussions with the Park Authority will enable their inclusion in the Deposit Draft Plan.

#### **Key Forecasts**

- 2.2** The Plan currently contains no key forecasts for change in population, households or economic activity. In line with national objectives for growing Scotland's population, the status of the National Park in relation to the National Planning Framework and the Highland Community Plan, there is a fundamental need for the Plan to accurately and clearly set these out.
- 2.3** These forecasts should reflect the Highland Community Plan objectives which are founded upon in-migration to Highland. In taking this forward, the Council is preparing detailed Area level population and household projections based on net in-migration to the region, of +700 people per annum. These projections should be embraced within the Local Plan at its next stage. The Plan should also reflect the changing age structure of the population and recognise the likely implications of these changes.
- 2.4** In relation to Badenoch and Strathspey, earlier 2002-based projections indicated – in the event of no net in-migration to the Area – population falling 6% from 11,698 to 10,993 by 2017; the number of households increasing by 4.6% from 5,346 to 5,592; and the core workforce falling by 14.1% from 6,987 to 6,011 in the same period. This level of change would obviously present serious implications for the capacity of the population to regenerate, for the economy and for services. Against these projections, a policy scenario for Badenoch and Strathspey, based on a +100 annual in-migration factor would conversely, result in a 9.3% increase in population, an 18% growth in households and an increase in the workforce of some 3.1%.
- 2.5** **It is essential therefore to sustain communities and a competitive economy, that Badenoch and Strathspey continues to share in - and contribute towards – prosperity in Highland. The Council believes this to be fundamental also to sustaining the status and contribution of the Park in the national interest.**  
Assimilating the key forecasts with the existing housing stock, the known shortfall in accommodation, and with the labour force will provide the foundation for future housing needs and job targets, and a strategy within which these requirements can be accommodated within the National Park.

- 2.6 The Council wishes to agree a baseline for key forecasts and indeed a shared understanding about the “drivers” which will deliver the aims of the National Park as part of an integrated planning framework together with policies to facilitate such an outcome. The Council would wish to continue constructive dialogue with the Park Authority on these matters with a view to reaching agreement on the principal housing, employment and related service underpinnings for the Local Plan.

### **Settlement Strategy**

- 2.7 The Draft Local Plan contains no clear settlement strategy. It therefore fails to convey an understanding of the location of pressures and opportunities, the roles and functions of different settlements in catering for development and a framework for prioritising strategic investment in infrastructure and services. This leaves a vacuum for decisions potentially damaging to the social and economic prospects of Badenoch and Strathspey, illustrated most overtly by a lack of commitment to the principle of a new settlement at Cambusmore. A strategy must be founded on the key forecasts, an assessment of the distribution of development needs and the principal “drivers” for a sustainable future, the capacity of individual settlements and/or the potential new forms of urban development. The Plan must acknowledge Aviemore’s position as the focus for economic development in Badenoch and Strathspey (and the Park as a whole) and the need to accommodate growth at the heart of the Area given the village’s diminishing capacity for expansion. The reference that land with potential for 1200-1400 homes remains (from the adopted Local Plan) to be developed needs also to acknowledge that to be effective, land for development must be delivered in locations where it addresses social requirements and is capable of promoting those assets which underpin growth and investment in the economy.

- 2.8 The Council believes the strategy should be a continuum, based on the principles of the Badenoch and Strathspey Local Plan, albeit that a framework responsive to current and foreseeable pressures should also address the rate and scale of growth in the outlying settlements, promote regeneration, prioritise investment and guide the design and fit of development with the existing character. In this context, the main expansion provisions at Aviemore can be expected to be fully committed shortly, and the proposal for a new settlement at Cambusmore must be firmly established as part of the strategy. This is an opportunity for an exemplar, planned settlement founded on sustainable principles and designed to the highest standards. It is one which the Council encourage the National Park Authority to fully embrace.

### **Vision**

- 2.9 In line with the Modernising Planning Agenda being taken forward by the Scottish Executive and the most recent advice to Planning Authorities, there is the opportunity to found the Local Plan on a *vision* which articulates the main aspirations for the National Park, say, on a 20 year horizon. There may be some overlap here with the National Park Plan, but the Local Plan should give a particular focus to *development* in this regard. Given that major, high level investment important to long term sustainability within the National Park will in all probability materialise in a timeframe beyond this Local Plan, a vision would enable broad agreement and a shared sense of purpose on matters of key, structural

significance and a statutory basis on which the Park Authority and the partner Councils could influence progress.

- 2.10** The National Park is not homogenous nor is it, as the Plan might by inference convey, a self-contained economic and social entity. The pressures and opportunities for development in Badenoch and Strathspey differ substantially from other parts of the Park. A vision must distinguish for example, the unique identity and character of the Highland communities: their interaction and dependency, association with Inverness, accessibility to the national transport networks and to the major centres of population in Scotland, and the value of the National Park to the Highland economy.
- 2.11** A vision would evolve as work on the Local Plan and the National Park Plan progresses and should be the subject of continuing discussion with NPA colleagues. The Council wish to include in further discussions such diverse themes as Aviemore, the international resort; Cambusmore, a 21<sup>st</sup> Century planned-town renowned for its excellence in sustainable design and fit with Cairngorm's World Heritage status; a network of vibrant, balanced and growing local communities; an economy, competitive in the global market with the prestige of the National Park key to location and investment; dualling of the A9 and inter-city rail connectivity; and the visionary conclusions of the Glenmore Partnership Initiative.

### **3.0 PART 2 - DRAFT LOCAL PLAN CONTENT**

#### **General Policies**

##### General Policies 1, 2, and 3

- 3.1** As part of the Development Plan, the Local Plan presents the statutory framework for development and land use. There are aspects of the tenor and articulation of policy which are neither sufficiently embracing nor fulsome in the promotion of development; nor expressly appreciative of its value in sustaining the Park as a national asset and contributor to the regional economy. These are matters perhaps for consideration in relation to a strategy/vision above, however Policy 1 should clearly commit to promoting sustainable economic and social development of the Park's communities and sustainable use of its natural resources – the right development in the right locations at the right time; of course, with due regard for the wider Park aims. As regards Policy 2, it is a moot point that development consistent with such principles is indeed of national importance since it helps to sustain the qualities and purpose of the National Park. In the same vein “Development will only be permitted where it is demonstrated that there is no alternative...” does not convey the Council's objective in that context. The intention to seek like-for-like *mitigation* as a matter of course in circumstances where development is approved is not appropriate. However, the Council acknowledge that the purpose of these policies - with the Overview Map - is to assimilate a range of development factors and seek in principle, to apply a level of protection for designated features/sites consistent with their status/sensitivity and the relative “significance” of any development impacts. This concept accords in principle with the approach the Council piloted with the Scottish Executive. Apart from the nuances above, the policy text could be rationalized for clarity.

### General Policies 3 and 4 Bio-diversity and Landscape

- 3.2** Policy which seeks to protect the Park from any “adverse impact” needs to be framed in the context of a Plan which encourages qualitative development and which positively promotes the growth, regeneration and expansion of communities, with which these issues should be integrated.

### General Policy 5 Sustainable Development

- 3.3** The Plan gives priority to sustainable development principles and commits developers to produce a statement of compliance with policy. The Plan is consistent with the Council’s use of Sustainable Design Statements and Development Plan Policy Guidance on Designing for Sustainability in the Highlands. The rationale might include reference to resilience to climate change in design and layout of development; limiting the use of non-renewable resources and use of recycled materials and components; minimising negative global impact eg. avoiding the use of building materials whose manufacture contributes to pollution, or exploits the workforce; water conservation and health promoting design and layout.

### **Topic Policies**

#### Policies 1 Natura 2000 and Ramsar Sites; 2 Protected Species; 4 Landscape; 5 Archaeology and 6 Listed Buildings

- 3.4** The gains in terms of streamlining and presentation of policy achieved in the General Policies 1-3, are diminished by repeating these as “topics”. In view of the Scottish Executive’s initiatives to make the process and the Plan fit for purpose, it may be that - combined with the overarching National Park Plan - an opportunity arises to give greater focus in the Local Plan to development; and to cut down and clarify the meaning of the rather unwieldy, lengthy policies in the draft Plan. In this regard, the Park Authority may wish to reconsider whether matters enshrined in law or procedures or regulations require to be restated as policy? Policy G2 in the Highland Structure Plan seeks, by comparison, to draw together relevant considerations for development control purposes.

#### Policies 11 Water and 12 Foul Water Drainage

- 3.5** Policy 11 should recognise the potential for private supplies where the mains network is constrained. The thrust of policy 12 is to introduce flexibility and enable private infrastructure systems where the public network is constrained. This is supported by the Council.
- 3.6** There are understood to be major deficiencies in the water supply to substantial parts of Badenoch and Strathspey and in the existing waste water treatment facilities which serve particular communities. The expansion of several settlements appears dependent on extended service networks and/or treatment facilities, indeed the Council understands that Scottish Water has identified capacity in water for only 500 equivalent homes in Badenoch and Strathspey. The Council is aware that Scottish Water is preparing a capacity assessment of the public systems for

publication shortly and the Scottish Water QS III programme - setting out candidate schemes for investment in the period to 2014 - is also due. Collectively, these will be an essential input to updating the strategy for development in Badenoch and Strathspey and will present the opportunity for the Council and partners including the Park Authority to influence priorities. Failure to give due priority to the National Park would significantly undermine any development strategy and the national asset. The Local Plan provides the foundation for concerted, joint representations by the Park Authority and partner local authorities to the Scottish Ministers, to the effect that Scottish Water be encouraged to give high priority to investment within the National Park.

#### Policy 20A Transmission and Distribution Infrastructure

- 3.7** The Council opposes a policy which prescribes - in principle - under-grounding of electricity transmission lines on the grounds it could prejudice the potential for alternative energy production in Highland, disadvantage the regional economy and restrict its contribution in the national interest. It would be prejudicial to the Beaully-Denny 400 Kv scheme and to the development interests of the Park communities in Badenoch and Strathspey. Without prejudice to the need for specific under-grounding in certain circumstances, the Council would not oppose upgraded or new overhead infrastructure within established service corridors.

#### Policy 22 Integrated Transport Network and 23 Roadside Facilities on the A9

- 3.8** The Plan should support the Council's resolution to campaign for dualling/upgrading of the A9 between Inverness and Perth; and should promote improvement of the A95 and a programme of investment by the Strategic Transport Authority. The Council wish to contribute towards an integrated strategy and supports enhanced connections "across the Park". This must recognise the dependency and interaction of the National Park communities with adjoining centres, routes and services outwith the Park. There should be recognition of the rail network, including the Invernet commuter service.
- 3.9** The A9 services policy does not represent the Council's position – nor it believes, that of the Badenoch and Strathspey communities – following a major review of policy during 2003. In essence, policy should continue to promote the development of services within the by-passed communities and enhance promotion of these at key points on the trunk road - notably at Blackmount (Carr-bridge) and Ralia (Newtonmore) where the B9152 "loop" intersects the A9 - and where limited commercial activity (refreshment facilities) should be accompanied by improved signage and a range of amenities. Ralia is operating along these lines. Planning permission has been given for a restaurant and related facilities at Dalwhinnie, the strategic mid-point between Inverness and Perth, close to the gateway to the National Park.

#### Policies 29 Tourism Development and 30 Tourism Accommodation

- 3.10** In circumstances where tourism is a significant contributor to the national and local economy, the approach to related development is worth careful consideration. Several hotels have changed use over the years, and there is a reluctance in the Plan

to accept second homes and new caravan sites. Certain existing caravan sites located within settlements might offer more productive use in regeneration for other community purposes. The principle of improving accommodation and infrastructure should be recognised. There may be opportunities for new sites better located to visitor attractions, perhaps in brownfield locations or on the edge of communities. Any nervousness about second homes taking up allocated housing land would be better addressed by promoting strategic new development schemes at marketable locations.

### Policies 37-41 Affordable Housing and Housing

- 3.11** The analysis of needs and issues as set out in paras. 3.83-3.96 is not accepted. These of course extend beyond affordable needs (ie. existing deficiencies) and must embrace the balance accruing from projected changes in population, household formation and economic activity (see above). A strategy for housing must be integral to the wider settlement/development framework and it is presumptuous that the Plan (para. 3.94) errs towards contraction of the existing land supply and strategic objectives which suppress development. However, the Plan touches on implementation (para. 3.93) and the Council is fully supportive of the principle of working with the partner agencies, infrastructure providers and the private sector to activate an effective supply of land for development. In this regard, the role for *developer contributions* towards shared costs where there are common benefits to parties might also be explored as part of any policy/Action Plan.

#### Affordable Housing

- 3.12** The Plan should refer to the Local Housing Strategy Housing Needs Assessment. This identifies a shortfall of 65-80 affordable homes per annum in the period 2003-08. This will require to be rolled forward in the context of a comprehensive assessment of housing needs with the work by Herriot-Watt for the Park Authority. In view of the acute local circumstances, a requirement in this context for 350-400 affordable homes in Badenoch and Strathspey, and the present waiting list which attributes some 42% of priority needs to Aviemore, the Aviemore North Development Brief makes an exceptional case for a 50% land contribution towards affordable housing in pursuit of 200 affordable homes. Notwithstanding that certain developer agreements to date are based on a lower proportion of homes, this remains the Council's policy. In the context of this initiative – supported by the housing and economic development agencies at local, regional and national level, some 100 affordable homes remain to be committed. The 25% tariff should not be conveyed as a fixed position and may require further consideration in the context of a development strategy for the Park. The Council Housing Service, supported by the housing agencies, would lay particular emphasis on Badenoch and Strathspey as a housing stress area, and the need for sufficient developable housing land and joint efforts to ensure this can be activated.
- 3.13** The reference to affordable housing contributions and their possible diversion to an “enhancement project” needs clarification. Contributions for affordable housing are “ring-fenced” for that purpose. The Council supports the principle of flexibility in the threshold for applying affordable housing policies and notes the intention to set this at four houses within the National Park. The scope to allocate land for

affordable housing (PAN 74) as part of a wider set of initiatives should be considered where there are opportunities to consolidate the built up area, redevelop brownfield sites or where sites are central and accessible to services.

#### Other Housing

- 3.14** The Council does not support the principle of restraint or discrimination in the housing market in the terms set out in the Local Plan. The terms “permanently occupied” and “in perpetuity” may be incapable of being substantiated and are questionable in law for the purposes of development control; and as a mechanism for dissuading the second home market, they are inappropriate and unworkable. In policy 38(d), distinguishing housing needs in these terms may be beyond the remit of the Planning Authority. Irrespective, they do not accord with the Council’s view. Furthermore, clauses of this kind underline both the disadvantage to local people in artificially reducing the supply of land and a parallel need for an effective affordable housing policy. Again, there are assumptions here that the Park is a self-contained economic and social entity, it is not.
- 3.15** Acceptable infill development often takes the form of two or more dwellings in small groups, or flatted units. This is likely to be more so, with the emphasis on smaller households in future house-building. Moreover, any tendency for the Plan to focus on key development sites together with the potential to regenerate or redevelop existing communities with increasing emphasis on form and character, suggests a policy restricting infill to single houses is not appropriate.
- 3.16** Notwithstanding and as a balance with the Park objectives as a whole, the Council is mindful of the pressure to restrain housing in the countryside to places where settlement is an established part of the character, or an operational or exceptional affordable need can be justified. Due weight should be given to the principles of PAN 72 in relation to derelict land and property and rural business development.

#### Design

- 3.17** There are a number of policies which refer in general terms to the quality of development ie. that it “should maintain and enhance the vitality and viability of the existing settlement...” which are unnecessarily repetitive. The Park might be better served by a clear statement at the outset establishing the expectation that excellence in the design will be essential in the national interest. In particular, the fit of housing within communities – visually and functionally – is worthy of principles which seek to integrate building with the established character, ensure satisfactory phasing and mix of accommodation, a suitable landscape framework with open space and appropriate connections.

#### Adjoining Policy

- 3.18** The Council is mindful of the need for consistency of policy in cross-boundary issues where the National Park Local Plan Area merges with adjoining Plan Areas, namely - in Highland - Badenoch and Strathspey (to be catered for by the replacement Lochaber Local Plan), the Inverness Local Plan and the Nairnshire Local Plan. This primarily affects general policies, notably housing in the countryside (and other rural development provisions) and infrastructure and will be

considered carefully by the Council as these Plans are reviewed.

### **Settlement Statements**

- 3.19** Whilst the Local Plan substantially carries forward the undeveloped land allocations from the adopted Local Plan, these are pared back at Kingussie, Newtonmore, Boat of Garten, Nethybridge, Insh and Cromdale and there are no settlement insets for Duthil or Lynchat. The allocations were based upon a capacity assessment of each settlement - embracing infrastructure, social facilities, refined according to such factors as landscape setting, adjoining uses and land availability. The Council entirely accepts that local circumstances have changed over time and that different preferences may emerge from engagement with communities. However, it is essential to maintain an effective land supply consistent with needs over the 5-10 year Plan period and, in the case of housing, which gives 25% choice (SPP3). As things stand there may be a cumulative shortfall in the overall land stocks for existing settlements. Irrespective, failure to reaffirm Cambusmore would be a fundamental deficiency. Notable deficiencies in land for business and economic development at Kingussie and Newtonmore need to be addressed.
- 3.20** Accordingly, the settlement areas may be drawn too tightly. Consideration might be given also as to whether the settlement plans need to identify features deserving of a specific safeguarding policy, in the interests of maintaining their existing character. Within communities where significant “white” land is subject to the infill Policy 38, piecemeal development could prejudice the opportunity to maximise the potential for development in the longer term, ie. Cromdale. Consideration should be given to allocating land to protect it for comprehensive phased development, in these circumstances.
- 3.21** The Plan should give more flexibility to enable upgrading and modernisation of services and community facilities and to the dynamics which might govern future change. Safeguarding principles need to acknowledge the scope for outmoded or poorly located facilities to be redeveloped or refurbished for alternative sustainable uses, and for enhanced community facilities – perhaps pooling different services – to relocate, if the funding and opportunity materialises, assisted by a receipt from surplus property. Aviemore is a case in point (see below).
- 3.22** Specifically, the Council recognises that priority should be given to ongoing action and investment for upgrading or the provision of new facilities at Kingussie High School, Grantown Community Sports Centre, Badenoch Leisure Centre (Kingussie), Aviemore Primary School, Aviemore Service Point, Aviemore Transport Interchange (village centre/station environmental and traffic improvements) and extension and restoration at the Granish landfill and Kingussie Civic Amenity sites.

#### Aviemore

##### Urban Design Strategy

- 3.23** The Gillespies Urban Design Strategy sets a framework for long-term enhancement in the quality of design and renewal of the village fabric. This is a vital, durable underpinning for regeneration and development, supported by the agencies at

national, regional and local level. It should be given due status in the Local Plan as an integral component of the development framework for Aviemore, in order to continue to be fully effective, and to carry sufficient weight in the event of appeals.

#### Expansion North

- 3.24** Reference should be made to the approved Aviemore North Development Brief (2000) which provides a detailed framework for expansion and remains relevant. The Local Plan indicates “stock needs to be taken over how far and how fast it (Aviemore) should develop”; and refers to expansion north as an “area of special study to determine an absolute limit to which Aviemore should extend”. The limits of expansion in the adopted Local Plan derive from local consultation and substantial concern about stretching the village and increasing distance to facilities at the centre; and take account of landscape features (the burn, wooded knolls and fields beyond) which define the natural urban edge and setting, and afford separation from activities at Granish. These factors, consistent with the Urban Design Strategy and commitments through existing planning permissions, present difficulties for integrating further housing or industry - in a functional and visual sense - beyond the present planned limits, particularly west of the Strathspey railway. This need not rule out a dedicated, free standing tourist-related development as envisaged in the adopted Plan beyond Dalfaber. Further residential expansion northwards should not be pursued. It is in that context, that commitments have been made west of the A9 and, in policy terms, for further major growth at Cambusmore. Equally, the Local Plan should enable Aviemore to be built out at Dalfaber North as presently proposed. It is possible that the entirety of the undeveloped housing land stocks at Aviemore could be taken up within 5 years. Notwithstanding the need to ensure that communities grow hand in hand with service capacity and social facilities, there appears no reason to impose a “brake” on essential housing needs.

#### Community Uses

- 3.25** The Council has identified capital funding for a new community school in Aviemore. It is anticipated that this will be built as part of the mixed-use redevelopment of the village hall and on adjoining land. The intention is that this should provide an integrated focus for new community facilities – school, library, service point and other social accommodation together with recreational facilities. A school at this location will be designed with capacity to cater for pupils from Cambusmore. In the event that Cambusmore ultimately supports its own school, the Aviemore accommodation needs to be designed with the capability of being converted for a suitable community use, including affordable housing. There should be no impediment to redevelopment or refurbishment of superseded school buildings for housing, business or community purposes. The adopted Local Plan concept for a playing field within the Aviemore North expansion area cannot be fully realised. Open land north of the village limits offers an alternative.

#### Boat of Garten

- 3.26** Significant expansion at Boat of Garten to the south was considered to have satisfied local development, servicing, amenity and availability requirements and

was confirmed following nature conservation objections and a Public Local Inquiry. The Council considers the future of this land is for determination as part of the Local Plan and - notwithstanding upgrades in utilities - that it continues to represent a development *option*. Consideration might be given to the alternative of linear expansion of the village to the west. Irrespective, outwith Aviemore, the combination of the attractive villages, relative centrality in the Area and proximity to the A9 (and accessibility to Inverness) suggests there will be continuing pressures for housing in the Boat of Garten-Nethybridge-Carrbridge locality. Any diminution in the land supply in these communities is likely to need a credible and effective strategic alternative.

- 3.27** In the event that the land presently allocated for expansion at Boat of Garten is deleted, other allocations to the south of the village will require to be reconfigured as part of any alternative. This includes a site for a community school which - although not currently part of the Capital Plan - should be retained to keep that option open.

#### Kincraig

- 3.28** The natural landscape/amenity buffer which separates Kincraig from the A9 should not be breached, whilst a generous choice of sites remains to be developed?

#### **Protocol**

- 3.29** Finally, the Protocol which governs the shared responsibilities of the National Park Authority and the relevant Councils enables the setting up of liaison arrangements. The Council would welcome regular dialogue in respect of the matters referred to above. It is acknowledged that the Park Authority will wish to give due consideration to all representations in the course of finalising the Local Plan. In that context, the Council would welcome the opportunity to consider the principles and the detail of the Plan in all respects as the Deposit Plan begins to take shape. This Council has a statutory responsibility to implement the National Park Local Plan. It is essential therefore that - whatever provisions are ultimately made - its policies are capable of being implemented and substantiated. Further close working with the Park Authority is necessary in this regard, and in relation to the preparation of key forecasts and other related issues.

#### **4.0** **RESOURCE IMPLICATIONS**



- 4.1** There are no resource implications arising from the Council's statutory involvement in the preparation of the Cairngorms National Park Local Plan beyond budgeted staff time.

## RECOMMENDATIONS

That the Badenoch and Strathspey Committee for its interest:

- (i) agrees that this report comprises the Council's representations to the Cairngorms National Park Local Plan Consultative Draft insofar as it relates to matters affecting Badenoch and Strathspey; and
- (ii) recommends to the Planning Development Europe and Tourism Committee that this report be forwarded to the Cairngorms National Park Authority for its consideration and that authority is given to the Director of Planning and Development - in concert with the respective Chairs of this Committee and the PDET Committee - to forward representations to the report of Strategic Environmental Assessment which accompanies the Draft Local Plan.

That the Planning, Development, Europe and Tourism Committee homologates the recommendations at (ii) above.

Signature:

Designation: Director of Planning & Development

Date: 17 January, 2006

Author: Malcolm MacLeod x 2506/Colin Mackenzie x 2261

Background Papers: Cairngorms National Park Local Plan Consultative Draft  
October 2005  
Highland Structure Plan March 2001  
Badenoch and Strathspey Local Plan September 1997  
Report by Director of Planning and Development to Planning,  
Development, Europe and Tourism Committee 2 November  
2003  
Minute of the Meeting of The Highland Council 18 December  
2003

## **APPENDIX**

### General Policy 3

Table 2.1, P11 – “features of local historic or cultural interest” means non-statutory designations?

### Policy 1 Protected Nature Conservation Sites and Biodiversity

Last para? Meaning of...”in the circumstances”.

### Policy 4 Landscape

Para 3.16 – acknowledge the inclusion of HLA data. Cultural heritage cannot be treated in isolation from the natural heritage.

### Policy 5 Archaeology and Built Heritage

Para 2 – it should be made clear that “preservation *in situ*” should always be the preferred option as per NPPG5. Only when disturbance cannot be avoided, will preservation by record be considered. The phrase “will need to be assessed by...” has potential for mis-interpretation with an expectation that local authorities undertake assessment work which is the responsibility of developers. The role of the local authority Archaeologist should be clarified. Para 3 could indicate that this is to assess the archaeological potential of the site and that after evaluation of the site, further archaeological work may be necessary.

Para 3.20 – “older” is unnecessary and “disguised” would be better as “damaged”, “truncated” or “buried”.

Para. 3.21 - the role of the SMR needs to be clarified. “May” in the final sentence is dismissive of non-statutory sites and should be substituted with “are”. There is no reference to Designed Landscapes, which are part of the historic environment?

Para. 3.22 – this should clarify the need to protect both the recorded cultural heritage sites as well as any potential sites.

Para 3.23 – it must be made clear who is responsible for assessing the archaeological potential of a development site – ie the local authority Archaeologist.

Para 3.27 - whilst it is accepted that SMRs and HERs are evolving records and will never be complete, many of these features are on the SMR. Likewise, where any features come to light, the Archaeologist should be informed.

In general, the term “archaeological sites” (or “cultural heritage sites”) should be defined. Cultural heritage resources should include World Heritage Sites, Scheduled Ancient Monuments, other archaeological features, listed and other historic buildings, conservation areas and historic gardens and designed landscapes. It could also include sites listed as “other” in para 3.26. As regards the Settlement Statements and any archaeological/cultural heritage interest, the Council has not undertaken any

detailed investigation. It is important that protection of cultural heritage sites is acknowledged in appropriate terms. As regards heritage policies there is an over-emphasis on statutory designations. There is potential for developing interpretation and trails in non-statutory sites. The word “listed” would apply to “sites with statutory designations”.

#### Policies 6-8 and Proposal 2 Listed Buildings/Conservation Areas etc.

The policy objectives are supported. Footnote, the Memorandum is dated 1998.

#### Policy 10 Protection of the Water Environment

This policy needs to be considered in the context of Permitted Development provisions (GPDO, Class 20) and the Habitats Regulations and the Natura 2000 designations; and a requirement to cross-reference Policy 1 as regards possible Article 4 Direction.

#### Policy 11 Water Supplies

Suggest second sentence could have added at end – “..... at the expense of the developer if there is no spare capacity”.

#### Policy 13 Surface Water Drainage

“Sustainable Drainage Systems”. The Council supports Sustainable Drainage Systems within new developments. The Council will consider for adoption measures dealing exclusively with road water that have been designed and constructed to a suitable standard and which minimise long term maintenance. Responsibility for adoption and maintenance of shared drainage systems (that also accept roof and curtilage water) remains to be clarified at a national level.

#### Policy 14: Flood Risk Management

The Council supports the policy.

#### Policy 15 Safeguarding Mineral Resources

A cordon sanitaire around existing mineral workings of 400m for new housing would allow for continued mineral extraction and due consideration of related noise, dust, blasting, visual impacts.

#### Policy 16 Mineral Extraction and Processing

Add “or its immediate surrounding areas” after “National Park”.

Add “and temporary permissions only will be given”.

## Policy 20A Transmission and Distribution Infrastructure

Technically, the policy confuses electricity and telecommunications infrastructure. The Council would encourage the Park Authority to give further consideration to under-grounding – as a matter of course and without regard for the relative effects of low voltage/low impact lines – in the context of possible implications for the heritage as a whole: habitats, archaeology and the landscape. Reference might be made the Jacobs Babbie report (March 2005) on the feasibility of under-grounding high voltage transmission lines, which the NPA co-sponsored; and to the Beaulieu-Denny 400 and Beaulieu-Boat of Garten-Keith upgrades.

## Policy 21 Energy from Renewables

“Commercial” should be defined – presumably this is electricity generation for transmission to the grid by a non-locally owned or originated company?

21a – a distinction should be made between storage hydro schemes (involving impoundment behind a dam, with a reservoir) and run-of-river hydro schemes (where a weir leads straight to a pipeline that is usually buried to a turbine house). The latter should be considered entirely feasible in a National Park in principle.

21b – Suggest this should read – “There will be a strong presumption in favour of the development of .....projects, subject to no significant adverse effects”. 21b and 21c could logically be swapped in order

## Policy 24 Upland Vehicle Tracks

Add an extra bullet point – “They form part of an approved construction scheme, where it will be expected that full restoration will take place after construction unless otherwise expressly allowed for”.

Para. 3.56 needs to be checked carefully for accuracy and reference made to Circular 9/1987 as well as 20/1980. These relate to vehicle tracks within National Scenic Areas. Regarding GPDO Class 18 consideration may be required as to what constitutes Permitted Development, unless an Article 4 Direction has been put in place for the National Park outwith NSAs.

## Policy 25 Telecommunications

25(4) – “All related power lines will be routed underground” – see comments under 20A.

## Policy 22 Integrated Transport

- (a) Public Transport - consultation with the Council’s Passenger Transport Coordination Team will be required on all matters of public transport;
- (b) Walking and Cycling - for larger developments a Green Transport Plan may be required as part of any Transport Assessment. The enhancement and expansion of existing walking and cycling facilities is welcomed. The Council will only consider for adoption, those facilities that have been designed and constructed to an adoptable

standard and provide a major link between houses, schools, shops, public recreation and entertainment areas or form part of an existing adopted network;

(c) Road Network and Facilities - public parking is limited in several settlements in Badenoch and Strathspey. Suitable car and coach parking is essential and additional facilities should be encouraged wherever possible. There is a high car dependency within the area and public transport services are limited, consequently national guidelines in respect of maximum parking standards are not generally applicable. The Council applies a policy whereby commuted charges can be levied on development where adequate car parking cannot be provided within the curtilage. Sums raised are used to enhance public transport or public parking within reasonably close proximity. It is recommended that a similar policy be included in the Cairngorms National Park Local Plan.

(d) Roadside Signage – the Council operates a general policy on tourist signposting on roads within the Badenoch and Strathspey.

#### Policy 24 Upland Vehicular Tracks

Reference to historic drove roads or military roads is welcomed, but this ignores that many of our best prehistoric landscapes are also in upland areas. The example could be amended to include prehistoric landscapes.

#### Policy 30 Proposals for Retail/Commercial Development

Adequate parking provision will be essential and for larger developments improvements to existing road, cycle and pedestrian networks may be necessary. Attention is drawn to Policy 22 (c) above, regarding commuted sums and to these requirements in the context of the approved Aviemore Masterplan.

#### Policy 32 Proposals for Large Scale Retail/Commercial Development

Where significant impacts arise for road, cycle and pedestrian facilities, parking provision and public transport services, thorough and detailed transport assessments will be required.

#### Policy 38 Proposals for Housing Outwith Defined Settlements

See “the four house rule”.

#### Policy 39 Proposals for Housing Outwith Defined Settlements

It is strongly recommended that the Highland Council Policy with regard to road adoption, “the four house rule”, is adopted by the Park Authority. Subject to a suitable management and maintenance agreement, a road serving a new development need not be adopted. However, for development exceeding four dwellings, access should be designed and constructed to an adoptable standard, compliant with the Council’s Road Guidelines for New Developments.

In terms of the Archaeological interest there may be requirement for building recording/photographic and recording/retention of fixtures and fittings according to the nature of building and development.

## National Park Plan Strategic Objectives

The Cultural Heritage objectives might be strengthened. The phrase “repair and maintenance” is not relevant. On p132 recognition of the cultural heritage could be added to “Understanding and Enjoying the Park”?