

**Consultation Title: Cairngorms National Park Local Development Plan 2  
Proposed Plan**

**Date: 05/04/2019**

**To: CNPA [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)**

**From: Stuart House  
Eskmills  
Musselburgh  
EH21 7BP**

**Telephone: 0131 653 5400**

**E Mail: [gavin.mowat@scottishlandandestates.co.uk](mailto:gavin.mowat@scottishlandandestates.co.uk)**

Scottish Land & Estates (SLE) is a member organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. SLE has members with interests in a great variety of land uses within the Park and we therefore welcome the opportunity to respond to this consultation.

SLE recognises the critical role that planning can and should play in developing Scotland's rural communities, both in terms of housing provision and opportunities for business growth and infrastructure development. Along with the CNPA we would like to see the Park planning system enable delivery of sustainable development that will allow communities within the Cairngorms to thrive. Small working rural communities that depend on land-based businesses are part of the Park's upland heritage and helping those communities thrive and grow should be a key priority embedded into the Park's vision. SLE members are already important delivery partners in terms of housing, tourism, employment provision and conservation etc., within the Park. It is our desire to see continued collaboration with the CNPA to enable delivery to continue and for our vision to be realised.

**Question 1. Which section of the Plan would you like to comment on? (Please state clearly which policy, settlement, site reference number, paragraph number etc, your comment relates to)**

Policy 1: New Housing Development (1.3 Other housing in the countryside, 1.4 Designing for affordability, 1.5 Affordable housing and 1.6 Affordable housing exception sites)

Policy 5: Landscape (5.2 Private roads and ways)

Policy 9: Cultural Heritage (9.1 Listed buildings)

## **Question 2. What is your comment on this section of the Plan?**

### Policy 1: New Housing Development

#### 1.3 Other housing in the countryside

While we appreciate the CNPA's vision for conservation we are concerned that if other housing in the countryside will only be supported where they "reinforce the existing pattern of development", this will not necessarily align with rural development aspect of the Park's vision. An element of flexibility is crucial if we are to deliver appropriate development that supports thriving businesses and communities. SLE is aware that where there is a conflict between priorities, the CNPA will support delivery of conservation objectives, however, we consider that not all development that reinforces the existing pattern of development will be optimal in terms of conservation.

#### 1.4 Designing for affordability

Delivering housing in a rural context already attracts higher than average costs and requiring a mix of dwelling types and sizes on all residential development may cause developers to reconsider investment – particularly on smaller developments where margins are tighter. SLE members would welcome further clarification from CNPA on how it will address this concern.

#### 1.5 Affordable housing

We consider that the proposals for 45% affordable housing provision in developments over 4 units in Aviemore, Ballater, Blair Atholl and Braemar could be prohibitive to delivery of additional housing in these strategic settlements. As we have outlined in our previous submissions, we do not consider that such a policy would be workable in what are essentially small rural settlements. Rural developments attract higher than average development costs and in order to deliver affordable housing, it normally needs to be subsidised by open market housing. A 45% approach could be counterproductive as developers may be persuaded to go to elsewhere in Scotland where demands are not as high. The risk is that there would be reduced delivery of housing if the appropriate balance cannot be struck. Furthermore, SLE does not feel that there is significant evidence to suggest that these settlements are suffering from a particularly acute lack of affordable housing to justify these proposals. We reiterate that any data demonstrating that these settlements have significantly higher instances of second homes and vacant dwellings than in other parts of the Park be made available.

It should be noted the need to develop 25% of new homes at an affordable rate is generally supported but there are concerns that this enhanced policy could block some higher cost developments such as conversions which already struggle to be viable under the current policy. Also, where no demand for affordable housing can be demonstrated this policy would be frustrating.

The need for affordable housing in some areas of the Park is recognised by SLE members and many have emphasised that they are proud to already offer tenancies at affordable rates. Our members are enthusiastic about improving the quality and energy efficiency of their housing stock but the capital costs required to do so, alongside increased risk resulting from the new tenancy regime, may result in increased rents.

Ultimately, we believe this proposal will hinder rather than encourage development. Instead there needs to be strong support for flexible policy within the Park – there needs to be innovative ideas for the provision of affordable housing, for example, the use of Rural Burdens or selling homes at an affordable price for 3 months before going on the open market.

## 1.6 Affordable housing exception sites

SLE members welcome the inclusion of the policy on affordable housing exception sites. We also support the sensible approach to exceptional cases where delivery of 100% affordable housing is not viable. This approach is flexible and enabling and will likely encourage appropriate development.

### Policy 5: Landscape

#### 5.2 Private roads and ways

SLE agrees that private roads and ways on open moorland should be designed to minimise landscape and environmental impacts and we would like to see part (a) strengthened by including a reference to the Scottish Natural Heritage guidance on [Constructed tracks in the Scottish Uplands](#).

However, we do not consider that part (b) is practicable or equitable and we object to the way it is currently worded. We are of the view that requiring the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park is not proportionate and does not support the good work that has been carried out by many through full planning or the Prior Notification and Approvals process to date.

As it is currently worded, part (b) offers no protection for those who follow the proper process. As we understand it, well-designed tracks with full permission could be removed. It is our view that such a blanket approach that does not specifically target those tracks which have either been created illegally or that clearly do not conform to the SNH guidance is not justified.

We do not feel there is a rush of hill track applications or unauthorised tracks to warrant such a one-size-fits-all / restrictive policy change. SLE considers that in the round, existing policy has been used effectively to control and mitigate the impacts of new hill tracks and we think that it would continue to provide an appropriate means for controlling these developments in the future.

SLE is of the opinion that this policy would be a retrograde step with consequences for access, economy and conservation and therefore against the four aims of the National Park under statute. In terms of access, the provision of tracks enables people of all abilities to access upland areas at relative ease and they are also vital for the Mountain Rescue services to carry out their work. Related to access, the tracks also encourage walkers and cyclists to stay clear of areas containing delicate habitats – ultimately protecting them from erosion and destruction. Tracks also provide access to farming, forestry, hydro schemes, wind turbines and quarries etc, all of which provide much needed employment and valuable resources in fragile rural communities.

It is not clear how the National Park intends to interpret net benefit for the special landscape qualities. For example, would removing a well-designed track that fits well within its surroundings be classed as a net benefit?

Finally, not everyone who wants to put in a new track already has tracks to remove. The way this policy is currently worded, people under such circumstances would be prohibited from building well-designed tracks to contribute to the rural economy just because they do not have any other tracks to remove.

SLE would be happy to work with CNPA to find an alternative solution which better fits the Park's outcomes. And we are always willing to work with the Authority to ensure that existing regulations are better understood and adhered to within the Park.

## Policy 9: Cultural Heritage 9.1 Listed buildings

It is worth noting that Historic Environment Scotland's guidance on the Demolition and the use and Adaptation of Listed Buildings is currently being revised. We urge the CNPA to take this soon to be updated version into consideration. In making representation to the review of that document SLE asked that partial demolitions should be included in the list of specific cases where demolition might be justifiable. This is because in some circumstances partial demolitions can unlock the ability to preserve other buildings, for example, in a steading.

This consideration is particularly significant given that under [existing legislation](#) the listing of a building automatically covers structures and additional buildings within the building's curtilage. This raises the potential for planning authorities to consider a decaying garden shed as a listed building, for example, even when the structure has little or no significance.

### **Please state clearly what change/s you wish to see made to the Plan to address your comment**

We would suggest the following changes to the abovementioned policy:

## Policy 1: New housing development 1.3 Other housing in the countryside

Proposals will be supported where they ~~reinforce the existing pattern of development, and:~~

- a) are necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside; or
- b) are on a rural brownfield site.

## 1.4 Designing for affordability

SLE members would welcome further clarification from CNPA on how it will address this concern.

## 1.5 Affordable housing

Developments consisting of four or more dwellings should include provision for affordable housing amounting to:

- a) ~~45% of the total number of dwellings on the development site in the settlements of Aviemore, Ballater, Blair Atholl and Braemar;~~
- b) 25% of the total number of dwellings on the development site in all other settlements.

Proposals for fewer than four market dwellings will also be required to make a contribution towards affordable housing. This will be a monetary payment towards meeting housing need in the local community.

Developers seeking to negotiate a reduction in affordable housing provision must demonstrate through a Viability Assessment that the requirements make an otherwise commercially viable proposal unviable.

## Policy 5: Landscape

### 5.2 Private roads and ways

New private roads and ways in open moorland areas will not be permitted unless they:

- a) are designed to minimise landscape and environmental impacts <insert> in line with Scottish National Heritage guidance on Constructed tracks in the Scottish Uplands; ~~and~~
- b) ~~form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park.~~

OR RE-WORD AS:

- b) form part of a programme of works including the removal of existing private roads or ways found to have been constructed illegally to deliver a net benefit for the special landscape qualities of the National Park.