

# Appendix 19.1

Summary of Relevant Land  
Use and Environmental  
Planning Policies  
Transport Scotland

August 2018



## Table of contents

Chapter	Pages
1. Summary of Relevant Land Use and Environmental Policies in the HwLDP	1
2. Summary of Relevant Land Use and Environmental Policies in the CNPLDP	8



# 1. Summary of Relevant Land Use and Environmental Policies in the HwLDP<sup>i</sup>

HwLDP Policy	Policy Summary
<b>Sustainable Design</b>	
Sustainable Design Policy 28	<p>The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.</p> <p>Proposed developments will be assessed on the extent to which they:</p> <ul style="list-style-type: none"> <li>• are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);</li> <li>• are accessible by public transport, cycling and walking as well as car;</li> <li>• maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;</li> <li>• are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;</li> <li>• make use of brownfield sites, existing buildings and recycled materials;</li> <li>• demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);</li> <li>• impact on individual and community residential amenity;</li> <li>• impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;</li> <li>• impact on the following resources, including pollution and discharges, particularly within designated areas: <ul style="list-style-type: none"> <li>○ habitats</li> <li>○ freshwater systems</li> <li>○ species</li> <li>○ marine systems</li> <li>○ landscape</li> <li>○ cultural heritage</li> <li>○ scenery</li> <li>○ air quality;</li> </ul> </li> <li>• demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;</li> <li>• promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;</li> <li>• accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and</li> <li>• contribute to the economic and social development of the community.</li> </ul> <p>Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan.</p> <p>Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.</p>
Physical Constraints Policy 30	<p>Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:</p>

HwLDP Policy	Policy Summary
	<ul style="list-style-type: none"> <li>to provide developers with up to date information regarding physical constraints to development in Highland; and</li> <li>to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.</li> </ul> <p>Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.</p>
<b>Development in the Wider Countryside</b>	
<p>Development in the Wider Countryside Policy 36</p>	<p>Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:</p> <ul style="list-style-type: none"> <li>are acceptable in terms of siting and design;</li> <li>are sympathetic to existing patterns of development in the area;</li> <li>are compatible with landscape character and capacity;</li> <li>avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics</li> <li>avoid, where possible, the loss of locally important croft land; and</li> <li>would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.</li> </ul> <p>Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.</p> <p>All proposals should still accord with the other general policies of the plan.</p>
<p>Tourism Facilities Policy 43</p>	<p>Proposals for tourist facilities will be assessed as to whether:</p> <ul style="list-style-type: none"> <li>the scale of the proposal is proportionate to its location/settlement;</li> <li>the site is within a settlement boundary and whether it will complement existing/allocated tourist facilities within that settlement;</li> <li>the proposal will increase the length of peoples stay, increase visitor spending or promote a wider spread of visitors;</li> <li>the proposal will safeguard, promote responsible access, interpretation and effective management or enhancement of natural, built and cultural heritage features.</li> </ul> <p>Area local development plans will identify more specific opportunities for enhancement of existing tourism facilities and areas where a co-ordinated approach to tourism is needed.</p>
<p>Communications Policy 45</p>	<p>The Council will support proposals which lead to the expansion of the electronic communications network in Highland. This includes delivery of core infrastructure for telecommunications, broadband and other digital infrastructure.</p>
<p>Trees and Development Policy 51</p>	<p>The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.</p> <p>The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.</p> <p>The Council's Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:</p>



HwLDP Policy	Policy Summary
	<ul style="list-style-type: none"> <li>• identify key relevant legislation and regulation;</li> <li>• establish the key factors for assessment of development sites in relation to the presence of trees;</li> <li>• give guidance on preparation of tree protection, management, planting and landscape plans;</li> <li>• for developments involving a significant element of woodland, give advice on the need for a woodland management plan;</li> <li>• provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;</li> <li>• generally support well planned developments which are designed to create and coexist with significant areas of new woodland.</li> </ul>
<p>Principle of Development in Woodland Policy 52</p>	<p>The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources.</p> <p>Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.</p> <p>The Council will consider major development proposals against their socio-economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to coexist with forestry operations.</p> <p>For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer-term management.</p> <p>In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance).</p> <p>All proposals affecting woodland will be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal.</p> <p>The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.</p> <p>The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:</p> <ul style="list-style-type: none"> <li>• ensure sustainability;</li> <li>• increase the community benefit from forestry and woodlands;</li> <li>• identify opportunities for forest and woodland expansion compatible with other interests;</li> <li>• improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland;</li> <li>• work with partners to address economic and infrastructure issues;</li> <li>• retain and enhance the level of funding for forestry in Highland.</li> </ul>
<p>Mineral Wastes Policy 54</p>	<p>The Council will encourage the minimisation and positive re-use/recycling of mineral, construction and demolition wastes.</p> <p>Waste management is an issue to be addressed for new or existing extractions to the satisfaction of the Council for the prevention or minimisation, treatment, recovery and disposal of waste with a view to minimising waste generation and its harmfulness. A Waste Management Plan should be provided to show this information.</p>
<p>Peat and Soils Policy 55</p>	<p>Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.</p>



HwLDP Policy	Policy Summary
	<p>Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.</p> <p>Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.</p>
<p>Natural, Built and Cultural Heritage Policy 57</p>	<p>All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:</p> <ol style="list-style-type: none"> <li>1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.</li> <li>2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.</li> <li>3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex I of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers).</li> </ol> <p>Where The Council is unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.</p> <p>Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.</p>
<p>Protected Species Policy 58</p>	<p>Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.</p> <p>Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There is no satisfactory alternative;</li> <li>• The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and</li> <li>• The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.</li> </ul>



HwLDP Policy	Policy Summary
	<p>Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There is no other satisfactory solution; and</li> <li>• The development is required in the interests of public health or public safety.</li> </ul> <p>This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:</p> <ul style="list-style-type: none"> <li>• Species listed in Annex I of the EC Birds Directive;</li> <li>• Regularly occurring migratory species listed in Annex II of the Birds Directive;</li> <li>• Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;</li> <li>• Birds of conservation concern.</li> </ul> <p>Development that is likely to have an adverse effect, individually and/or cumulatively, on other protected animals and plants will only be permitted where the development is required for preserving public health or public safety.</p> <p>Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992, as amended by the Nature Conservation (Scotland) Act 2004.</p>
<p>Other Important Species Policy 59</p>	<p>The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:</p> <ul style="list-style-type: none"> <li>• Species listed in Annexes II and V of the EC Habitats Directive;</li> <li>• Priority species listed in the UK and Local Biodiversity Action Plans;</li> <li>• Species included on the Scottish Biodiversity List.</li> </ul> <p>We will use conditions and agreements to ensure detrimental affect [<i>sic</i>] on these species is avoided.</p>
<p>Other Important Habitats and Article 10 Features Policy 60</p>	<p>The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.</p> <p>The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:</p> <ul style="list-style-type: none"> <li>• Habitats listed in Annex I of the EC Habitats Directive;</li> <li>• Habitats of priority and protected bird species;</li> <li>• Priority habitats listed in the UK and Local Biodiversity Action Plans;</li> <li>• Habitats included on the Scottish Biodiversity List.</li> </ul> <p>The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.</p>
<p>Landscape Policy 61</p>	<p>New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply</p>



HwLDP Policy	Policy Summary
	<p>particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.</p>
<p>Geodiversity Policy 62</p>	<p>Development proposals that include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests.</p>
<p>Water Environment Policy 63</p>	<p>The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints.</p>
<p>Flood Risk Policy 64</p>	<p>Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.</p> <p>Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.</p> <p>Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:</p> <ul style="list-style-type: none"> <li>• better local flood risk information is available and suggests a higher risk;</li> <li>• a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed, and/or;</li> <li>• the development borders the coast and therefore may be at risk from climate change;</li> </ul> <p>a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.</p> <p>Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.</p> <p>Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.</p>
<p>Surface Water Drainage Policy 66</p>	<p>All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69:</p> <p>Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.</p>
<p>Pollution Policy 72</p>	<p>Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.</p>



HwLDP Policy	Policy Summary
	<p>Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.</p> <p>Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.</p>
<p>Air Quality Policy 73</p>	<p>Development proposals which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions, such as an Air Quality Assessment, (deemed satisfactory to the Local Authority and SEPA as appropriate) which demonstrate how such impacts will be mitigated.</p> <p>Some existing land uses may have a localised detrimental effect on air quality. Any proposals to locate development in the vicinity of such uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with the existing land use to air quality impacts will not be approved.</p>
<p>Public Access Policy 77</p>	<p>Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:</p> <ul style="list-style-type: none"> <li>• retain the existing path or water access point while maintaining or enhancing its amenity value; or</li> <li>• ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.</li> </ul> <p>For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, non-motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water).</p>
<p>Long Distance Routes Policy 78</p>	<p>The Council, with its partners, will safeguard and seek to enhance long distance routes, and their settings. Consideration will be given to developing/improving further strategic multi user routes both inland and along the coast with due regard to the impact on the Natural Heritage features along these routes.</p>

## 2. Summary of Relevant Land Use and Environmental Policies in the CNPLDP<sup>ii</sup>

CNPLDP Policy	Policy Summary
Supporting Economic Growth Policy 2	<p>Includes</p> <p>Development which enhances formal and informal recreation and leisure facilities; tourism and leisure based business activities and attractions; tourism and leisure related infrastructure including accommodation; improved opportunities for responsible outdoor access and through improved levels of open space; will be supported where:</p> <ul style="list-style-type: none"> <li>a) it has no adverse environmental impacts on the site or neighbouring areas; and</li> <li>b) it makes a positive contribution to the experience of visitors; and</li> <li>c) it adds to or extends the core tourist season.</li> </ul> <p>Proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where:</p> <ul style="list-style-type: none"> <li>a) it is compatible/complementary with existing business activity in the area; and</li> <li>b) it supports the vitality and viability of the local economy and the broader economy of the Park.</li> </ul>
Sustainable Design Policy 3	<p>Design Statements</p> <p>All development proposals must demonstrate how the proposal has been designed to:</p> <ul style="list-style-type: none"> <li>a) minimise the effect on climate change .....; and</li> <li>b) be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials; and</li> <li>c) use materials and landscaping that will complement the setting of the development; and</li> <li>d) make sustainable use of resources .....; and</li> <li>e) [enable storage, segregation and collection of recyclable materials and] make provision for composting; and</li> <li>f) promote sustainable transport methods .....; and</li> <li>g) improve or add to existing public and amenity open space; and</li> <li>h) maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network. All developments will be consistent with the Core Paths Plan; and</li> <li>i) protect the amenity of neighbours .....; and</li> <li>j) include an appropriate means of access, egress, levels of private amenity ground, and space for off-street parking; and</li> <li>k) create opportunities to further biodiversity and promote ecological interest.</li> </ul>
Natural Heritage Policy 4	<p>1 International and national designations</p> <p>Development likely to have a significant effect on a Natura 2000 site must demonstrate no adverse effect on the integrity of the site. Where this is not possible, development will be considered favourably only where:</p> <ul style="list-style-type: none"> <li>a) there are no alternative solutions; and</li> <li>b) there are imperative reasons of overriding public interest including those of a social or economic nature.</li> </ul>



CNPLDP Policy	Policy Summary
	<p>Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).</p> <p><b>2 National designations</b></p> <p>Development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where:</p> <ul style="list-style-type: none"> <li>a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or</li> <li>b) any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected.</li> </ul> <p><b>3 Other important natural and earth heritage sites and interests</b></p> <p>Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site, Geological Conservation Review site, or other nationally, regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated that:</p> <ul style="list-style-type: none"> <li>a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or</li> <li>b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost.</li> </ul> <p><b>4 Protected Species</b></p> <p>Development that would have an adverse effect on any European Protected Species will not be permitted unless:</p> <ul style="list-style-type: none"> <li>a) there are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and</li> <li>b) there is no satisfactory alternative solution, and</li> <li>c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.</li> </ul> <p>Development that would have an adverse effect on species protected under Schedule 5 (animals) or 8 (plants) of the Wildlife &amp; Countryside Act 1981, as amended, will not be permitted unless:</p> <ul style="list-style-type: none"> <li>a) undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit and</li> <li>b) there is no other satisfactory solution; and</li> <li>c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.</li> </ul> <p>Development that would have adverse effect on species protected under Schedule 1, 1A or A1 (birds) of the Wildlife and Conservation Act 1981 as amended will not be permitted unless:</p> <ul style="list-style-type: none"> <li>a) the development is required for preserving public health and safety; and</li> <li>b) there is no other satisfactory solutions; and</li> <li>c) the development will not be detrimental to the species concerned at a favourable conservation status in their natural range.</li> </ul>



CNPLDP Policy	Policy Summary
	<p>Development that would have an adverse effect on badgers or their setts will not be permitted unless the development fully complies with the requirements of the Protection of Badgers Act 1992 as amended.</p> <p>5 Other Biodiversity</p> <p>Development that would have an adverse effect on species listed in Annexes II or V of the EC Habitats Directive or Annex I of the EC Birds Directive will not be permitted unless:</p> <ul style="list-style-type: none"> <li>a) there is no other satisfactory solution; and</li> <li>b) the development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in the natural range.</li> </ul> <p>Development that would have an adverse effect on habitats or species identified in the Cairngorms Nature Action Plan, UK Biodiversity Action Plan, Birds of Conservation Concerns (red and amber) or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:</p> <ul style="list-style-type: none"> <li>a) the developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and</li> <li>b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimized where harm is unavoidable; and appropriate compensatory and/or management measures are provided; and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.</li> </ul>
Landscape Policy 5	<p>There will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:</p> <ul style="list-style-type: none"> <li>a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and</li> <li>b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction .....</li> </ul>
Cultural Heritage Policy 9	<p>1 National Designations</p> <p>Development affecting a scheduled ancient monument, listed building and inventory gardens, landscapes and battlefields should:</p> <ul style="list-style-type: none"> <li>a) have no adverse effect on a structure or other remains of human activity or their setting. This may require remains to be preserved in situ, within an appropriate setting; and</li> <li>b) conserve and enhance any structure or other remains; and</li> <li>c) enhance its character, and the contribution it makes to the cultural heritage of the National Park.</li> </ul> <p>The layout, design, materials, scale, siting and use of any development will be appropriate to the character and appearance of the structure or asset and its setting. Where development would result in a significant adverse impact, the proposal must:</p> <ul style="list-style-type: none"> <li>a) demonstrate that the effect is clearly outweighed by social and economic benefits; and</li> <li>b) minimise and mitigate any adverse effects on the asset or its setting through appropriate siting, layout, scale, design and construction.</li> </ul> <p>Development affecting a scheduled monument should require remains to be preserved in situ and in an appropriate setting unless exceptional circumstances can be demonstrated to the satisfaction of the authority.</p>



CNPLDP Policy	Policy Summary
	<p><b>2 Conservation Areas</b> Development in or affecting a conservation area will:</p> <ul style="list-style-type: none"> <li>a) enhance its character and be consistent with any relevant conservation area appraisal or management plan; and</li> <li>b) use design, materials, scale, layout and siting appropriate to the site and its setting.</li> </ul> <p>Given the importance of design matters planning permission in principle will not be considered appropriate.</p> <p><b>3 Other local cultural heritage</b> Development affecting a site, feature or use of land of local or wider or cultural historic significance, or its setting will:</p> <ul style="list-style-type: none"> <li>a) protect or conserve and enhance the feature and its setting; or</li> <li>b) take reasonable measures to avoid, minimise and mitigate any adverse effects.</li> </ul>
Resources Policy 10	<p><b>1 Water Resources</b> Sets out criteria that all development should satisfy, including the requirement to avoid unacceptable detrimental impacts on the water environment. Development should demonstrate any impacts (including cumulative) can be adequately mitigated. There is a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will require to be retained around all water features.</p> <p><b>2 Flooding</b> All development should:</p> <ul style="list-style-type: none"> <li>a) be free from significant risk of flooding; and</li> <li>b) not increase the risk of flooding elsewhere; and</li> <li>c) not add to the area of land that requires flood prevention measures; and</li> <li>d) not affect the ability of the functional floodplain to store or move flood waters.</li> </ul> <p><b>4 Waste management and minimisation</b> All development should:</p> <ul style="list-style-type: none"> <li>a) safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan;</li> <li>b) ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement.</li> </ul> <p><b>5 Minerals</b> All development affecting mineral reserves should protect future viable extraction of a workable mineral reserve unless:</p> <ul style="list-style-type: none"> <li>a) there is no alternative site; and</li> <li>b) the development is considered to deliver the aims of the Park in a way which outweighs its value as a mineral resource; and</li> <li>c) the opportunity has been provided for extraction of the mineral resource prior to development commencing.</li> </ul>

<sup>i</sup> The Highland Council, (April 2012), Highland-wide Local Development Plan

<sup>ii</sup> Cairngorms National Park Authority, (March 2015), Cairngorms National Park Local Development Plan 2015