

PLANNING

Cairngorms National Park  
Local Development Plan

**POLICY 9 - CULTURAL HERITAGE**  
Non-statutory Planning Guidance

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Policy 9 – Cultural Heritage  
Non-statutory Planning Guidance**

This non-statutory Planning Guidance provides further information and detail on how to comply with **Policy 9 – Cultural Heritage** in the Cairngorms National Park Local Development Plan 2015.

This document is available in large print on request. Please contact the Cairngorms National Park Authority on 01479 873535. It is also available to view at **[www.cairngorms.co.uk](http://www.cairngorms.co.uk)**

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# Policy 9 Cultural Heritage

## Planning Guidance

Policy Requirements	Information Required
National designations: listed buildings; scheduled monuments; inventory gardens, landscapes; battlefields	<ul style="list-style-type: none"> <li>• An assessment of the key characteristics and features of the resource including their significance</li> <li>• Demonstrate no adverse effect</li> <li>• Details of works to preserve the remains or building in situ</li> <li>• Measures which demonstrate conserving and enhancing</li> <li>• Materials used in the proposal</li> <li>• In the case of a significant adverse impact, details of the social and economic benefits secured as a result of the proposal; and mitigation/ minimisation measures included in design</li> </ul>
Conservation areas	<ul style="list-style-type: none"> <li>• Compliance with conservation area appraisal or management plan</li> <li>• Measures which demonstrate conserving and enhancing</li> <li>• Materials used in the proposal</li> <li>• Submission of detailed planning application only to accompany application for Conservation Area Consent</li> </ul>
Other cultural heritage	<ul style="list-style-type: none"> <li>• Measures which demonstrate conserving and enhancing</li> <li>• Where this is not possible, measures which avoid, minimise and mitigate adverse effects</li> </ul>
Enabling development	<ul style="list-style-type: none"> <li>• Measures taken to try and secure the future of the listed building</li> <li>• Demonstrate the measures are the minimum required</li> </ul>
Furthering our knowledge	<ul style="list-style-type: none"> <li>• Supply required specialist information/surveys which demonstrate minimal impact</li> <li>• Measures in place to excavate, record, analyse and publicise information gathered</li> </ul>
Demolition – removal of an asset	<ul style="list-style-type: none"> <li>• Measures taken to try and secure the future of the building</li> <li>• Evidence that the building has been actively marketed</li> <li>• Submission of detailed planning application to accompany application for Listed Building Consent and/or Conservation Area Consent</li> </ul>

## Meeting the requirements of the Policy

1. Cultural heritage includes 'structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes'. It comprises buildings, structures, areas, landscapes, archaeology as well as features such as wells, caves, veteran trees, traditional meeting places, ancient routes and places mentioned in folk lore. It can be of international significance or a personal perception of something valued.
2. Part of the first aim of the National Park is to conserve and enhance the cultural heritage found in the National Park. The National Park Authority is under an obligation to deliver the aims in a collective way and it is clear that conservation and enhancement of our cultural heritage should be at the forefront of all that happens in the National Park. Further information supporting this can be found in the guidance notes 'Managing change in the historic environment' – available at [www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk).

## All forms of development

### Intervention

3. The key to preserving the cultural heritage of the National Park is managing change in an appropriate way. The aim should be to preserve the cultural heritage asset in a way which preserves its special qualities, and takes every opportunity to enhance it for the future.

4. Intervention will normally fall somewhere between preservation, adaptation, retention and redevelopment. It is often a balance to achieve the right outcome, but in the first instance you should consider preservation and reuse.
5. The best way to conserve a building or structure of cultural significance is to keep it in active use. Every effort should be made to find a solution allowing adaptation to a new use without unacceptable damage to the character and special interest of the asset.
6. Redevelopment should only be considered where the works are compatible and necessary to further the conservation and enhancement of the wider cultural heritage in the area.
7. All interventions must be compatible with the historic context, not overwhelm or impose it. They must be planned with a comprehensive understanding of the historic context of the development, and must demonstrate a reasoned justify for their need.

### Repair rather than replace

8. In the first instance you should maintain your property in a way which protects the special qualities of that building and the contribution it makes to the conservation area. Early action can often prevent decay and avoid the need for major intervention later.

### Honesty in repair and alteration

9. Repairs and alterations should generally be carried out without attempt to disguise or artificially age them. However they should

not be obtrusive, nor should inappropriate materials be used to provide a dramatic contrast. They should not detract from the visual integrity of the building or structure. They should instead leave a clear history of the works undertaken in a way which does not confuse the historical record that is the building or structure.

### **New design in historic setting**

10. New development need not necessarily replicate its surroundings, but it should respect, enhance, and have a positive impact on the building and its setting. Proposals must take advantage of the opportunities which exist in the conservation area as a catalyst for economic, community and environmental regeneration. Further guidance on this can be found in the 'New Design in Historic Settings – available at [www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk).

### **Materials**

11. The highest standards of materials and workmanship will be required. Materials and techniques used will respect traditional practice, unless modern substitutes are proved to provide significant and sustainable advantage.

### **Reversibility**

12. Processes which are reversible, or substantially so, should always be considered first. This allows for correction or future alteration should the need arise. Reversibility in itself is not a justification for proposals which may be physically or aesthetically inappropriate.

13. Where applications for development are required, the applicant must prepare drawings and other related documents as required. The scope of the information required will vary considerably depending on the circumstances of the case. You may be required to submit the following additional information in support of your application:
  - drawings illustrating the relationship of your proposal to its setting;
  - evidence of the structural condition of the building/structure;
  - a repair schedule;
  - specification of materials
  - annotated photographs
  - historic records of building/structure
14. Outline applications will only be considered where the development does not contain any matters relating to design.
15. Proposed change should be managed to protect the special qualities of the asset, while enabling it to remain in active use. Continuation of the original use for which the building or structure has been designed will be encouraged. If this is not practicable, applicants will be required to show that efforts have been made to continue its present use. Where changes of use are proposed you should ensure:
  - The architectural features, original plan form and layout will be preserved; and
  - The historic value and setting of the original asset are not adversely affected.
16. The aim is to guard against unsympathetic alterations and prevent unnecessary loss or damage to historic fabric.

17. Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the asset, the planning authority will consider:
- the relative importance of the asset; and
  - the scale of the impact of the proposals on that asset; and
  - whether there are other options which would ensure a continuing beneficial use for the asset which would have less impact on its special interest; and
  - whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption against works that adversely affect the special interest of the asset or its setting.

### **National designations**

18. In the case of Scheduled monuments you must demonstrate how your development will preserve known and formally recognised, or scheduled, archaeology in situ. You should also ensure no adverse effect on the setting occurs. The planning authority will notify Historic Scotland who are a statutory consultee and will have an input into the decision made on that application.
19. For unscheduled sites, you must demonstrate what efforts have been taken to preserve them in situ. Where this is not possible give full justification for this as part of your application. You will then be required to make appropriate provision

- for archaeological excavation, recording, analysis and publication, in advance of the development.
20. If you discover archaeological remains during the process of development you must inform the planning authority at once. You must then consider appropriate mitigation to ensure appropriate excavation, reporting and analysis if preservation in situ cannot be achieved. Failure to notify the planning authority will result in a temporary stop notice being issued.
21. Planning applications for development must include sufficient information to allow a full assessment of the impact of the development on the archaeology. You may have to supply an archaeological appraisal as part of your application to support the development proposed.
22. Applicants must consult Historic Scotland prior to submission for any application for Scheduled Monument Consent. Applications are required in addition to other consents, in advance of any works and should be submitted to Historic Scotland, not the planning authority.
23. For development affecting a Listed Building, you must demonstrate how the design of your development ensures the protection and enhancement of the listed building, ensuring no adverse effect on the building, its curtilage and its setting. Where possible the development should have a positive effect on the building.
24. In addition you may need Listed Building Consent. This will not normally be required for like repairs.

Where repairs involve alterations which would affect the character of the building, consent will be required.

25. If your proposal affects a scheduled monument, category A listed building, Inventory battlefield or Gardens and Design landscapes and their setting, you must highlight this in your planning application. The planning authority will notify Historic Scotland who are a statutory consultee and will have an input into the decision made on that application. Your proposal must demonstrate how the development is being undertaken to the benefit of the asset. Managing and enhancing the asset should be at the forefront of any management arrangements put in place, and in working up any proposals for development.

### **Conservation areas**

26. For proposals affecting a conservation area you must demonstrate how your development makes a positive contribution to the character of the conservation area and is consistent with any relevant appraisal or management plan. The development should protect any trees on the site, unless notification procedures to the planning authority have been made and completed.
27. Conservation Area Consent is also required for proposals involving the demolition of an unlisted building in a conservation area. Some exceptions exist and you should check with the planning authority. You must also give six weeks' notice to the planning authority of any intention to cut, lop, top, uproot,

wilfully damage or destroy a tree in a conservation area.

28. Ballater, Braemar, and Inverey Conservation Areas are covered by an added level of protection (Article 4 direction). Aberdeenshire Council can advise on what the additional protection means for you.

### **Other local cultural heritage**

29. If your proposal affects a building or structure considered to be of local cultural heritage significance, or its setting, you must highlight this in your planning application. No separate permission is required. You must demonstrate how your proposal has taken reasonable steps to conserve and enhance features and assets of local cultural significance. Where this is not possible, demonstrate the measures you have taken to avoid, minimise and mitigate the effects made. Demolition or removal of any feature which contributes to an asset of local cultural heritage significance will not normally be given permission.
30. You may be required to include evidence assessing the significance of the site or feature. It will not however extend to the need for specialist survey work or additional detailed investigations unless initial surveys reveal information which implies a greater interest in the asset which may lead to its formal recognition as a listed building, scheduled monument or other formally designated site.

### **Enabling development**

31. Enabling development can be a valuable way to secure a listed building which would otherwise fall into a state of irrevocable decay. However, it should only be used once all other means of securing the future of the building have been exhausted. You should therefore include with your application details of all measures taken to try and secure the future of the listed building and detail the reasons why these measures have not succeeded.
32. Where enabling development is considered an appropriate way forward to secure the future of the listed building, the measures taken must be the minimum required to secure the buildings restoration. You must therefore provide sufficient information to demonstrate that the proposal meets this requirement.

### **Furthering our knowledge**

33. In advance of any works, evaluation and recording of the existing structure should take place. This allows changes or developments to be carried out in a way which has been informed by the original structure. It also ensures that nothing of significant value will be damaged or destroyed. Where necessary, this analysis should be carried out by a suitably qualified specialist.
34. The Royal Commission on the Ancient and Historic Monuments of Scotland (RCAHMS) will be notified of all proposals to demolish listed buildings, and also non-listed buildings in conservation areas. Notification will also need to be made in appropriate cases of significant

alteration. In such cases it will be a condition of consent that applicants arrange suitable programmes of recording features that would be destroyed in the course of the proposal.

### **Demolition**

35. Listed building consent is required for the demolition of a listed building, or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest.
36. If you intend to demolish a listed building you must demonstrate clearly that every effort has been made to retain it. Permission will only be granted where it is demonstrated that:
  - the building is not of special interest; or
  - the building is incapable of repair; or
  - the demolition is essential to delivering significant benefits to economic growth or the wider community; or
  - the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. For such proposals, an Environmental Impact Assessment may be required.
37. If you intend to demolish an unlisted building in a conservation area you must give reasons for the demolition and submit detailed plans of existing and proposed replacement buildings if any are proposed. Where the building makes a positive contribution to the character of the conservation area you must submit a survey of the building's structural condition to support the reasons for removal. Applications for the demolition of buildings or structures which would result in an unacceptable gap site will not be permitted.