
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: **APPROVAL OF PROPOSED LOCAL DEVELOPMENT PLAN FOR CONSULTATION**

Prepared by: **Karen Major, Development Planning Manager**

Purpose To seek the formal approval of the Proposed Cairngorms Local Development Plan, endorsement of the supporting evidence base, and agree to commence formal consultation

Recommendations

That the Planning Committee:

- endorse the updated Evidence Report as being as being proportionate, appropriate and giving the necessary direction on which to base decisions on the Proposed Local Development Plan;
- endorse the Strategic Environmental Assessment, updated Habitats Regulations Appraisal and Equalities Impact Assessment as being adequate for consultation, and giving the necessary information and direction on which to base decisions on the Local Development Plan.
- approve the Proposed Local Development Plan and Supplementary Guidance for public consultation from 15th April to 5th July 2013

APPROVAL OF PROPOSED LOCAL DEVELOPMENT PLAN FOR CONSULTATION

I. Background

I.1 The Scottish Government has recently introduced a programme of modernisation affecting the planning system in Scotland. As part of this, a new system for development planning has been introduced. Planning Authorities are required to prepare a Local Development Plan as soon as practicable.

1.2 The first formal stage of preparing a Local Development Plan was the preparation of and consultation on a Main Issues Report. This stage was carried out during the summer of 2011. The next formal stage is the preparation of the Proposed Local Development Plan. This is not intended to be a draft plan, subject to many modifications and revisions. It is intended to provide the Authority's position on policies and proposals for development in its area.

2. Legislative requirements

2.1 The Cairngorms National Park Authority was established in September 2003. The Designation Order for the Park (S.S.I. 2003/1) conferred the duty to prepare Local Plans under the Town and Country Planning (Scotland) Act 1997 to the Park Authority. This duty was continued and updated through the Planning etc. (Scotland) Act 2006 to prepare a Local Development Plan as soon as practicable after the coming into force of section 2 of the 2006 Act.

2.2 We must therefore prepare at least one Local Development Plan to cover the whole of the Park, including the part of Perth and Kinross introduced into the Park since the adoption of the current Local Plan. On completion of the Local Development Plan there will then be one plan covering the whole of the Park.

3. Progress to date

3.1 As part of the work to inform the Main Issues Report we prepared a set of background evidence looking at Housing and Population, The Economy, a Monitoring Report, other relevant information and a site analysis of the proposed sites at that time.

3.2 This evidence, the Main Issues Report and the required assessments formed the documents which were consulted on formally during 2011. The results of that consultation were reported to the Board on 8th July 2011. Further to that formal consultation, an informal stage was included to allow consideration of detailed settlement maps. The consultation on this was carried out during the summer of 2012, closing on 28th September 2012. The results of these stages of consultation have been used to inform the preparation of the Proposed Local Development Plan.

4. The Proposed Local Development Plan – the key components

4.1 Under the terms of the Planning etc. (Scotland) Act 2006 the Local Development Plan must contain a spatial strategy, a vision statement, the main proposals for the period up to year 10 from adoption, and an indication of the scale and location of growth up to year 20. It should include proposals maps. Under Section 22 of the Act supplementary guidance can be issued in connection with the Local Development Plan and as such it forms part of the plan.

4.2 The Proposed Local Development Plan contains the spatial strategy, vision and 10 overarching policies. The proposals are set out in a community information section which provides land use allocations as well as detailed guidance to help communities achieve their vision where new development comes forward. In addition a comprehensive suite of supplementary guidance provides additional guidance to assist in the implementation of the policies and proposals. All these sections form part of the Proposed Plan.

4.3 The Proposed Plan has also been prepared with comprehensive new and updated information, and in the light of emerging national guidance. Updated evidence has been prepared to inform the plan, and this evidence will be published beside the Plan to help the reader understand the background to the development of the policies and proposals.

The proposed Local Development Plan is a key means to deliver the vision and outcomes of the National Park Partnership Plan through planning and development.

5. The Assessments

5.1 The Proposed Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. EC Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (preceded by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004) require that development plans are assessed to identify potentially significant environmental effects. The SEA is a process that will continue throughout the further development and implementation of the Plan. The SEA of the Proposed Plan assesses the likely significant environmental effects of the plan. It identifies opportunities to strengthen the positive environmental effects of the plan and ensures environmental considerations are integrated throughout. An Environmental Report of the SEA accompanied the Main Issues Report. A revised Environmental Report accompanies the Proposed Plan and takes account of the changes to the Plan and comments on the previous Environmental Report.

5.2 We must carry out a Habitats Regulations Appraisal (HRA) under the terms of European Directive 92/43/EEC, transposed into law in Scotland by The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This appraisal looks at the likely significant effects on Natura sites. The process of carrying out this appraisal is a process that will continue and will not come to a conclusion until the Plan is due to be adopted. An initial appraisal was carried out to accompany the Main Issues Report. A revised appraisal accompanies the Proposed Plan and takes account of the changes to the Plan and detailed consultation which has been undertaken with key agencies.

5.3 We must also carry out an Equalities Impact Assessment which analyses the Plan and identifies any discriminatory or negative effects of impacts it might have as a result of people's race, disability, sex, age, religion or beliefs, or sexuality. It is a tool to ensure that we prevent or limit, as far as possible, any negative effects or barriers the plan may have.

An initial assessment was carried out to accompany the Main Issues Report. A revised assessment accompanies the Proposed Plan and takes account of the change in the level of detail and site specific proposals.

6. The Proposed Local Development Plan – the key issues

6.1 The Proposed Plan has been developed to reflect changes in Park boundary, changes in legislative requirements, changes in the approach to policy development and the need for clarity in the direction given, and in light of planning consents which exist but are yet to be completed. As a starting point it has reviewed the success of the Local Plan adopted in 2010 and been influenced by the findings of the consultation on the Main Issues.

7. The Structure

7.1 The Local Plan (2010) set out 36 policies and identified a settlement hierarchy setting 3 tiers of settlements which formed the focus for development in the Park. The Proposed Local Development Plan has reviewed the number of policies, reducing the total number to 10. Although the total number of policies has been reduced, the topics covered remain as in the Local Plan (2010).

The Policy Framework	
New Housing Development	Renewable Energy
Supporting Economic Growth	Sport and Recreation
Sustainable Design	Cultural Heritage
Natural Heritage	Resources
Landscape	Developer Contributions

7.2 The settlement strategy remains arranged around a three tier system, with Main, Intermediate and Rural settlements. The settlements identified are largely those in the Local Plan (2010), additions being Blair Atholl, Glenmore, Inverdrue and Coylumbridge, Killiecrankie. To provide some planning context for all communities in the Park community statements have also been included for those areas where there is no identified settlement. These are Bruar and Pitagowan, Calvine, Glenlivet, Glenshee, Laggan and Strathdon.

7.3 Within the settlements allocations are provided for housing, economy, tourism, and community development. Open space is also identified as protected from development. As a starting point the allocations identified in the adopted plan were considered afresh. Those sites allocated in the Local Plan (2010) where permission has now been granted have been removed as proposal sites. Other changes include some additional allocations for development.

Aviemore	Tesco existing store – allocated as Economy and with potential for significant redevelopment on the completion of the new Tesco store
Ballater	Sir Patrick Geddes Way – allocated as Housing with potential to provide affordable housing in the core of the village
Blair Atholl	A settlement included as a result of the boundary change to include parts of Highland Perthshire, the settlement and all its allocations are new to the Plan
Boat of Garten	Land to the West – allocated as Housing with potential to provide a mix of open market and affordable housing to support the sustainability of the community
Braemar	Chapel Brae – allocated as Housing with potential to provide a mix of open market and affordable housing to support the sustainability of the community
Cromdale	Kirk Road - allocated as Housing with potential to provide a mix of open market and affordable housing to support the sustainability of the community
Dinnet	2 sites for Housing with potential to provide a mix of open market and affordable housing to support the sustainability of the community
Glenmore	2 sites for Tourism intended to support and protect these important facilities which help support Glenmore and its role as a focus for tourism
Grantown	Castle Road - allocated as Housing with potential to provide a mix of open market and affordable housing to support the sustainability of the community
	Land at Castle Road play area - allocated as Community with potential to provide an opportunity for development which helps support the sustainability of the community
Inverdrue and Coylumbridge	Existing camp site intended to support and protect this important facility which help support the village and its role as a focus for tourism
Killiecrankie	A new settlement included as a result of the boundary change, the settlement and all its allocations are new
Kingussie	A number of sites identified to help support the community including existing business sites, the camp site and key car parks

8. The Supplementary Guidance

8.1 Supplementary Guidance forms a formal part of the Local Development Plan where a Planning Authority issue, consult and adopt it formally in connection with the Plan. Its weight is greater than that of previously adopted Supplementary Planning Guidance, and we have used it to a greater extent with the Proposed Local Development Plan to allow much

of the detail previously found in the Policy Section to move into the Supplementary Guidance Section. Each of the policy topics listed above has an associated piece of Supplementary Guidance. Each starts with a clear checklist of what is expected of applicants when making planning applications. This helpful abbreviated list is in direct response to comments on the Main Issues report that the plan and guidance currently adopted is too long and difficult to gauge exactly what is required of applicants.

8.2 In addition to these topic based pieces of Guidance, the Core Paths Plan is now included as Supplementary Guidance and will, on adoption form part of the Development Plan

Core Paths Plan

8.3 Section 20 of the Land Reform (Scotland) Act 2003 gives the CNPA the power to review the adopted core paths plan at such times as they consider appropriate and on Ministers requiring them to do so. We are reviewing the Core Paths Plan because there are no core paths in the Highland Perthshire part of the Park. At the time of the adoption of the Cairngorms National Park CPP, Perth and Kinross Council were the Access Authority for Atholl and Glenshee and had progressed their plan to the formal consultation stage. The extension to the National Park boundary occurred before the Perth and Kinross Core Paths Plan had gone through the Inquiry process. At the time of the Inquiry, Perth and Kinross Council were no longer the Access Authority for Atholl and Glenshee so there are no designated core paths in this part of the Park.

8.4 At the May 2012 meeting of the Local Outdoor Access Forum, members advised the CNPA that the current objectives of the Core Paths Plan were “fit for purpose” for assessing amendments to the existing plan. The proposal developed by Perth and Kinross Council have been assessed against the revised objectives and with only minor alterations are now being proposed for the formal consultation (see page X). In addition to these routes other routes were identified by the communities in the informal consultation that end on the 28th of September 2012. Of these routes three require particular consideration as highlighted below.

8.5 The Thieves Road between Loch an Eilein and Feshie Bridge is being reconsidered as a core path. The route is a popular one particularly for mountain biking and has more than 5000 users per year. It also passes through habitat used by Capercaillie, and there are concerns that increased use of the route could increase disturbance to Capercaillie. For that reason the CNPA will not promote the path, add additional signage, or carry out any path improvements until and unless detailed investigations demonstrate that measures that will prevent any significant effect on the Capercaillie will be put in place. In effect, we are recognising that the route plays an important role in providing sufficient access, but that it also requires special management if it is to be used by more people. Core path designation is

one of the primary tools to ensure paths are managed and protected so designating the Thieves Road would give a focus for active management of these issues.

8.6 A new route over the River Spey linking Aviemore to the wider countryside, the country park and the new community of An Camas Mòr is also proposed. Identified as the priority objective in the Aviemore Active Travel Audit its development will ensure that the new community is more sustainable and meet the needs of both new and existing residents.

8.7 In Deeside a new path between the promoted path around Creag Choinnich and the old Brig O'Dee at the Keiloch was proposed by the community. This route was considered last time but rejected on the grounds of deliverability within the time scale of the Plan. In reconsidering the route we had to take into account the likely disturbance to Capercaillie on the SPA. Given there is currently no access on the site we couldn't, at this stage, be certain that mitigation would avoid a significant impact on the Capercaillie, so have not included it in the Plan. Further detailed work and evidence is required to establish if a route can be constructed on this site.

9. The Evidence

9.1 Evidence, which provides the basis for much of the policy direction and land supply requirements, was produced at the time of the consultation on the Main Issues Report. This evidence has been refreshed, taking account of any additional or updated information which has been published in the intervening time. The evidence base remains a key source of information for the direction taken in the Plan.

10. The Action Programme

10.1 An Action Programme, setting out how the plan will be implemented is also required. This provides a list of actions required to deliver each of the plan's policies and proposals for development. The Action Programme provides a valuable tool to help turn the Plan into real actions and projects on the ground. It must be monitored at least every two years and this will form the basis for monitoring reports to committee to assess the success of the Plan once adopted.

11. The Proposed Local Development Plan – as a material consideration

11.1 The proposed Local Development Plan sets out the CNPA settled view on what the adopted Local Development Plan should contain. However this is the first stage in consultation on the document and provides the public with their first sight of the policies and proposals being put forward.

11.2 Its policy approach does not differ greatly from that taken in the adopted Local Plan, nor are there significant changes to the land proposed for development. It is therefore

unlikely that during the consultation and further development of the Local Development Plan great material weight will be applied to the document. The adopted Plan will remain the key policy document in the decision making process. As applications come before planning committee any issues arising from this process and work to move the Local Development Plan towards adoption will be highlighted.

12. The next steps

12.1 A detailed timetable of the process is set out in Planning Circular 1/09: Development Planning.

12.2 The consultation on the Proposed Plan, its associated Supplementary Guidance, the required assessment, the Action Programme and the updated Evidence Base will be placed on the CNPA web site. Using the Scottish Government's Eplanning programme the Plan including its maps will be available using the Online Local Development Plan programme. This allows the reader to view the maps in greater detail, searching down into settlements and sites in a more detailed way than is available on a paper map. It is also intended that there will be an option to make comments and representations online.

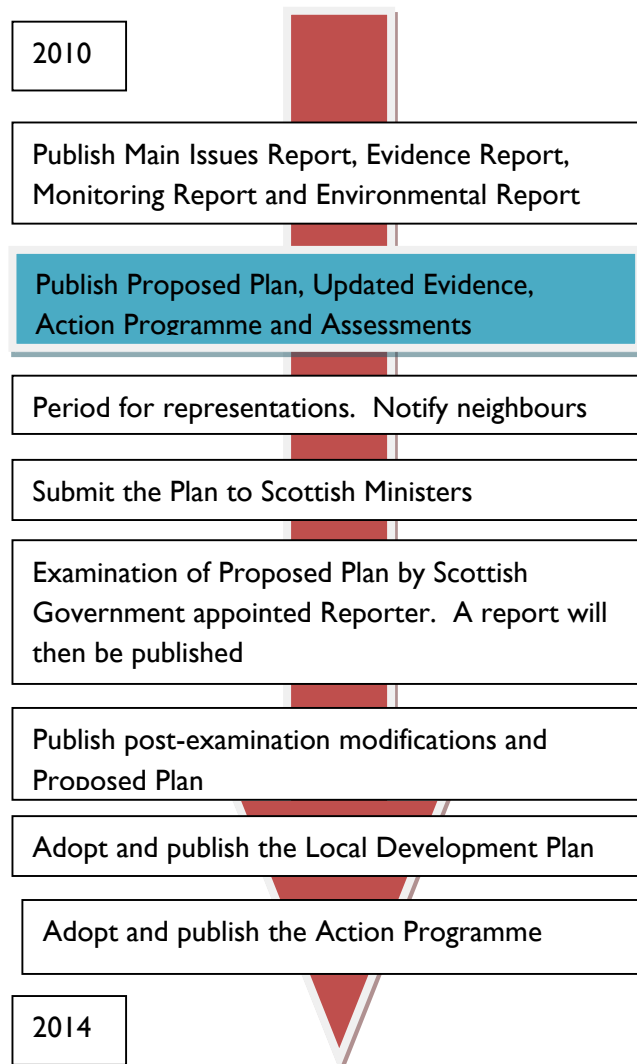
12.3 The formal stage of preparing and publishing the proposed Local Development Plan is an important step as it sets out the CNPA's agreed approach for development for the five years from plan adoption. The consultation process is focused on providing information to interested parties on how to understand the plan and make meaningful representations. Under the revised Development Plan process set out in the Planning etc Act this stage is not intended to be an iterative one where modifications or amendments are agreed between the parties. We propose a 12 week consultation period running from 15th April to 5th July 2013.

12.4 Subject to the Planning Committee agreeing the recommendations of this paper the next steps will be:

- To make any changes to the plan that are agreed by the Planning Committee and complete final proof reading;
- Prepare a briefing note for objectors on how to make best use of the opportunity to object;
- Facilitate a workshop with the Planning Representatives of the ACC on how to object and comment on the Plan;
- Publish the Plan on the agreed date and publicise the consultation process in accordance with CNPA standards of engagement and in line with the requirements of the legislation on the preparation of Development Plans;

- Notify all land owners, occupiers and neighbours to sites identified in the Plan for development;

12.5 Following consultation, all responses and representations made will be reported to Committee. It is anticipated this will take place September 2013. The report will include the CNPA view of the need to make any formal modifications to the Plan at that stage. The expectation under the new system is, however, that no modifications will be required and all unresolved objections will be submitted to Scottish Ministers who will appoint reporters to conduct an Examination.



13. Implications

Financial Implications

13.1 The work associated with the development of the Proposed Local Development Plan is programmed in the operational budgets set by the Authority.

Presentational Implications

13.2 The development of the Proposed Local Development Plan is a complex process and marks a key milestone in the delivery of a high quality and responsive Planning Service. It is important that we use this opportunity to illustrate our continual improvement of the Planning Service, and that we are striving to make our documents and decisions as robust as possible.

13.3 The process of consultation and engagement on the Plan has changed significantly since the consultation on the adopted Local Plan. Care is required to ensure consultees covering as wide a cross section of the communities found in the Park, together with external partners, agencies and interested parties are involved and engage fully in the process and understand the process of making representation.

Implications for Stakeholders

13.4 The publication and consultation of the proposed Local Development Plan has implications for many of our partners in delivery and other stakeholders. There are implications for all developers as the proposed Local Development Plan makes clear there is a greater emphasis on them providing sufficient and accurate information, adapting to sites and designing sensitive schemes. Some of the requirements will have financial implications.

The emerging Local Development Plan also has implications for the Local Authorities in their development management work. As the Plan nears adoption CNPA staff must ensure all those involved in the Development Management process, both officials and councillors are aware of the changes in direction from the adopted Local Plan and interpretation of the Plan is done in a consistent manner across the Park.

14. Recommendations

It is recommended that the Planning Committee:

- endorse the updated Evidence Report as being as being proportionate, appropriate and giving the necessary direction on which to base decisions on the Proposed Local Development Plan;

- endorse the Strategic Environmental Assessment, updated Habitats Regulations Appraisal and Equalities Impact Assessment as being adequate for consultation, and giving the necessary information and direction on which to base decisions on the Local Development Plan.
- approve the Proposed Local Development Plan and Supplementary Guidance for public consultation from 15th April to 5th July 2013

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31st January 2013

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Appendices

- Appendix a Cairngorms National Park proposed Local Development Plan
- Appendix b Supplementary Guidance
- Appendix c Action Programme
- Appendix d Strategic Environmental Assessment
- Appendix e Habitats Regulation Assessment
- Appendix f Equalities Impact Assessment
- Appendix g Transport Appraisal
- Appendix h Evidence Report