

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: RESULTS OF CONSULTATION ON 2ND
MODIFICATIONS TO DEPOSIT LOCAL PLAN -
addendum

Prepared by: Don McKee, Head of Planning
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Purpose

To update the Committee on outstanding responses to the results of the consultation on the 2nd modifications to the Cairngorms National Park Deposit Local Plan and agree the next steps towards Local Plan Inquiry.

Recommendations

That the Planning Committee:

1. Formally note the additional responses to the consultation on the 2nd Modifications to the Deposit Local Plan and the next steps towards the Local Plan Inquiry.

Executive Summary

The Cairngorms National Park Authority has a duty to prepare Local Plans for the Park and has been engaged in Local Plan preparation since September 2004. A series of 2nd modifications to the Plan were published on 7th November 2008 and closed on 19th December 2009. The responses to this were reported to Committee on 6th February 2009. In assessing the responses in preparation for Local Plan Inquiry it has come to light that a number of objections were not included in that report. These omissions are now appended, and the report now asks the Board to note the responses, and confirm that no further modifications are proposed to the Plan. The committee should also note that all outstanding objections will be considered by the Local Plan inquiry.

Background

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. The National Park Authority publicised its intention to prepare the Local Plan in 2004.
2. Following extensive consultation and subsequent amendment, a 2nd set of modifications were subject to public consultation during November and December 2008, and the results of this were considered by the Committee on 6th February 2009. 79 responses were been received, 49 from new objectors, relating to all the 2nd modifications.
3. In taking forward the statements for consideration by the Local Plan Inquiry it has come to light that 5 issues raised by 2 objectors were not included in this report. These are appended in full for information along with the original letters to ensure completeness. One point (obj 462j) raised by Mr P Swan raises an important point regarding the reference made to the Community Scotland Report in regard to the balance of house sizes built within settlements (second point of letter). In considering this point it is considered to make a post inquiry modification to remove the reference to this document for clarity, and to ensure appropriate implementation of the policy. This will be reflected in the statement produced for Policy 22.
4. The other points raised are not considered to require any suggested modifications at this stage, and will therefore be considered by the Local Plan Inquiry.

Next stages to follow prior to commencement of Local Plan Inquiry

5. The inquiry, to be commenced on 18th May 2009 will be the next formal stage where objections are considered. In the preparation of statements to be considered by the Inquiry, officers may suggest possible post inquiry modifications for the consideration of the Reporters. This is to take account of the most up to date information available, and ensure that statements of case are reasonable, and demonstrate to objectors that the Authority is keen to take the most pragmatic approach to changes, and ensure the best Local Plan is produced at the end of the process.

6. These changes will be set out clearly in officer statements as not having been endorsed by the CNPA Board. Once they have been considered by the Reporters, and the Report from them received, all proposed further changes will be presented to the Board for consideration and debate. Following this a further stage of advertisement will be required before the plan can be adopted.

Recommendation

7. That the Planning Committee formally note the responses to the consultation on the 2nd Modifications to the Deposit Local Plan and the next steps towards the Local Plan Inquiry.

Financial Implications for the Park Authority

8. The budget for publication and consultation on the Local Plan is planned for in the operational plan.

Karen Major

25th March 2009

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**APPENDIX 1 – RESPONSES TO 2ND MODIFICATIONS NOT CONSIDERED ON 6TH
FEBRUARY 2009**

Objection 096 Mr and Mrs W M Houston
obj b) Housing Land Supply

Thank you for your letter of 5 November with enclosed details of the second modifications for comment. My wife and I confirm that our original objection to the Deposit Local Plan is maintained. For ease of administration we are responding using the arguments detailed in Mr Swan's letter of the 17th December 2008. With this in mind, we wish to register the following objections to, and comments on, the contents of your letter of 5 November and its attachments. Furthermore, in view of the numerous failures in communication, confused representations and errors that have occurred we believe a Formal Public Enquiry is now the course of action we wish to take.

Second, we refer to page 40, paragraph 5.28. The late addition of the identity of two important sources of information on such a critical matter as housing demand, at this late stage in the consultation process, is not acceptable and we wish to register an objection, on the grounds that it leaves too little time for concerned parties in the Community to examine these information sources in order to assure themselves of the integrity of the decisions made by the CNPA with respect to housing matters. We therefore request that, now these information sources have been revealed, the second modifications be given a further period of consultation.

First, your statement in the covering letter that "The changes focus mainly on points of clarification and correction of errors rather than any major changes of policy" is misleading and creates the possibility that the CNPA may be criticised for invoking policy changes by stealth, by discouraging further potential objections. The statement in question (in your covering letter) seems to have no purpose other than to suppress further objections. We therefore lodge our objection to the methodology of implementation by the CNPA of the consultation process on the above grounds and request that the second modifications be re-submitted in a more complete form for public scrutiny through a further period of consultation.

obj c) Policy 21

Third, we refer to page 43, policy 21, 2nd paragraph. In principle, we endorse the new statement that "Development solely for affordable housing will be favourably considered", if this is accompanied by withdrawal of site H1 for housing allocation. If site H1 is retained for housing allocation, then we object to the new statement, on the grounds that it implies the building of public sector housing which would be additional to the housing at site H1. With respect to the concept of "Development solely for affordable housing" we would urge the CNPA to apply more creative energy than has been evident so far to this approach to addressing the real housing issue that confronts Ballater which is access to affordable housing for local people. We strongly suspect that the concept of "Development solely for affordable housing" could offer a more

cost effective route (in terms of the net unit cost of affordable homes) to satisfying the needs of Ballater people for affordable housing than that achievable under the current CNPA strategy, which involves paying large public subsidies to a developer to damage the environment of Ballater by building houses which the Community does not need or want. Further, we believe that, if the concept of "Development solely for affordable housing" were combined with the removal of Ballater area H1 from the housing land allocation, and efforts were made vigorously to pursue opportunities for intelligent "brown field" and infill developments, then the recommendation by the Prince's Foundation of 28 September 2007, that "social housing should not be clustered in groups of more than about 5 units to avoid creation of social divides" could be achieved more naturally than would be possible with mass development in area H1. It would also give the added benefit of resolving much of the public opposition regarding the housing proposals for Ballater, provided area H1 and the land beyond it is dedicated to amenity/recreational use in perpetuity.

Fourth, we refer to page 43, policy 21, 2nd paragraph. We object to the change of wording from:

"Where public funding is available to help fund affordable housing, the overall affordable contribution of the development will be expected to be 40%, with any shortfall between the public subsidised element and 40% target to be made up by the developer"

to:

"Where public funding is available to help provide affordable housing, between 25% and 40% of all units will be expected to be affordable".

This change appears to represent a significant relaxation in the terms offered to the developer, and an unacceptable increase in the burden on UK tax payers. Further, it jeopardises the realisation of the reasonable aspirations of local people for access to affordable housing. The reason given for this change (current market conditions) does not appear to justify the CNPA's increasingly lavish generosity towards the developer with tax payers' money. This is especially worrying, as there appears to be only one developer in contention for the associated work. The combination of non-competitive arrangements for developer selection, together with sudden and significant changes in the financial incentives for the sole developer, must surely be a cause for public concern for proper appropriation of public funds. It may also raise concerns in relation to compliance with EU legislation. We request that this change be reversed, or that a comprehensive statement of the sums involved be included in an amendment to the second modifications, to be re-issued for a further period of consultation, thereby enabling the public to assure itself of the financial integrity and equitability of the proposals.

Fifth, we refer to page 46, paragraph 5.58, 2nd sentence. We object to the reference made to the findings of the report "Planning for Affordable Housing in the Cairngorms National Park" by Communities Scotland, March 2008, as the reference for the declared approach, which is to take a benchmark of 75% two and three bed units in the absence of firm information on specific housing needs. This is not appropriate, because:

- a) it is not supported by the statements made in the referenced report and
b) recent inquiries to Aberdeenshire Council showed that, at 1st October 2008, of all applicants for housing in Ballater (as a location of first choice) 67% requested one bedroom units and 22% sought two bed units.

We offer this finding as new evidence. It appears that the adoption of 75% two and three bed units is clearly inappropriate. Notwithstanding the fact that the adoption of the figure of 75% was part of the Local Plan prior to the second modifications now under consultation, we request that the CNPA take appropriate steps to reconcile these inconsistencies in a manner which appropriately reflects the significance of the potential for errors in the associated cost figures. We note also, with some concern, that paragraph 5.57 makes reference to the increase in the number of households being dominated by one and two person households, which is consistent with our own reference to one and two bedroom units and also calls into question the statement attributed to the said report.

obj d) Additional Policy 30

Sixth, we refer to New Policy 30 – “Provision of Sites for Gypsies/Travellers and Travelling showpeople”, which has displaced the previous Policy 30 – “Integrated and Sustainable Transport Network”. Your explanation during the telephone conversation with Mr Swan on 10th December, that the pre-existing policies 30 to 36 have now become policies 31 to 37 respectively is not supported by the documentation accompanying your letter of 5 November. For many non-drivers living within the Park area, there is a need of the support offered by an effective transport network and such a policy would seem to be far more central to the needs of CNP residents than provision of facilities for travelling people. We therefore object to the manner in which this useful policy has been eliminated from the Local Plan and request that it be re-instated.

Objection 462 Mr P Swan

obj i) Policy 21

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obj j) Policy 22

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