

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: APPROVAL TO DEPOSIT LOCAL PLAN

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Purpose

To formally approve the deposit of the Cairngorms Local Plan and agree the proposed implementation mechanisms and next steps.

Recommendations

That the Planning Committee:

1. Formally approve the Local Plan for deposit and the associated work and publicity associated with depositing the Plan.

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. Following initial consultation and engagement during 2004, a consultative draft Local Plan was published in late 2005 and consulted on till early 2006.

This version of the Local Plan takes into account the comments received on the consultative draft Local Plan, the National Park Plan, new information, and ongoing consultation and engagement with partners on the issues relating to the Local Plan. It has been prepared to contribute to the coordinated delivery of the aims of the Park and is a key delivery tool for the National Park Plan.

This paper asks the Planning Committee to approve the publication of the Local Plan and its placement on Deposit for further consultation in order to continue its development.

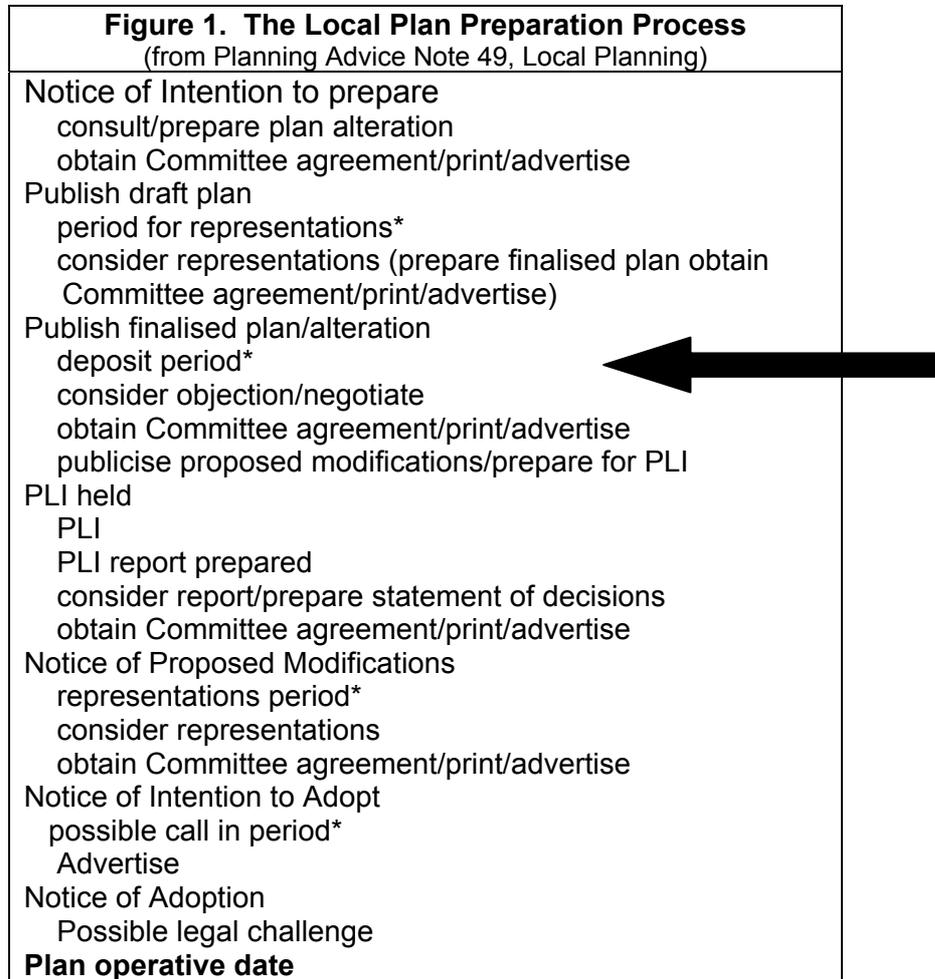
APPROVAL TO DEPOSIT LOCAL PLAN - FOR DECISION

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 September 2004.
2. The Local Plan that we propose to publish and place on Deposit has been prepared following periods of public consultation, community engagement and detailed discussions with key stakeholders and the 4 Local Authorities. Between September and December 2004, the Park Authority held a period of "blank sheet" public consultation and engagement with communities of the Park to find out what they wanted from a Local Plan. In September 2004, an area profile and questionnaire was sent to all household in the Park. Between October and December 2004, 44 meetings were held across the communities in Park to allow people to provide their views about how they would like to see their communities and the Park develop. Around 14% of the questionnaires were returned to National Park Authority and about 10% of the population of the park attended the meetings.
3. The information from the people who responded to the consultation helped to inform the development of a Consultative Draft Local Plan that was published in 2005 and consulted on between November 2005 and February 2006. The comments received on the Consultative Draft Plan helped to refine the policies, proposals and strategy of this Deposit Local Plan.
4. The Deposit Local Plan has also been prepared with comprehensive new and updated information, and in the light of emerging national guidance. The development, consultation and subsequent approval and adoption of the National Park Plan have also informed the development of this Local Plan. One of the major gaps in the consultative draft Local Plan was a viable approach to housing within the Park. New information and ongoing discussions with the local authorities, Communities Scotland, landowners, developers and communities have informed the approach set out in the Deposit Local Plan.
5. The Local 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 Local Plan.
6. The SEA of the Local 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 Consultative Draft Local Plan. A revised Environmental Report will accompany the Deposit Local Plan and take account of the changes to the Plan and comments on the previous Environmental Report.

Approval to deposit the Local Plan

7. The Local Plan has been prepared under The Town & Country Planning (Scotland) Act 1997. Figure 1 below illustrates the stages in the Local Plan preparation process and the arrow points to the stage we are at.



8. The deposit stage in the Local Plan process is important as it provides a further fixed point of consultation on the whole Local Plan. It is a statutory part of the plan preparation process with particular requirements for publicity and a deposit period of at least 6 weeks. We propose a 12 week deposit period running from the end of June to the end of September. The deposit stage of the Local Plan is also important as it provides an opportunity for the public and others to object to the Local Plan.
9. If the Committee agree to the content of the Local Plan, its publication and placement on Deposit, the Plan will be further proofed, the technical appendices and glossary finalised, SEA environmental report finalised and all parts sent to the designers and printers to prepare for publication. We expect to have final printed copies of the Local Plan towards the end of June, and would be in a position to deposit the Plan from Late June or early July.

10. The decision of the Planning Committee to commence publication and deposit will need to be formally ratified by a decision of the Board. This will be an item on the agenda for the Board meeting on the 15 June. The finalised date of publication and deposit will be known by that meeting.
11. Members of the Committee will be aware that the Planning etc (Scotland) Act 2006 will cause changes to the planning system, including the replacement of the current development plan system of structure and local plans. The Cairngorms Local Plan has been prepared under the 1997 Act but with thought to the new system. Details of the 2006 Act were not available for much of the period of preparation. We do not yet know what transitional arrangements will be put in place to accommodate emerging Local Plans prepared under the older system in the new system.

Recommendation

12. **That the Planning Committee formally approve the content of the Local Plan, its publication and placement on Deposit.**

The Deposit Local Plan as a material consideration

13. The Local Plan becomes a material consideration in determining planning applications once it is on Deposit. This means that it can be used with the existing Local Plans and other material considerations (such as the National Park Plan) to determine planning applications in the Park.
14. As a material consideration, the weight given to it should reflect its relevance to planning applications. As a rule of thumb, it may be given less weight where a recent Local Plan exists and more weight where an older Local Plan exists. This simply reflects the currency of the Local Plans and the likelihood of their reflecting up to date local circumstances and policy considerations. Decisions based wholly or largely on the Deposit Local Plan will need to be clearly justified as appeals may be based on the fact it is not an adopted Local Plan and has outstanding objections.
15. However, taken together, the combination of the approved and adopted National Park Plan and the Deposit Local Plan (which is intended to deliver key parts of the Park Plan) as material considerations will change the context for planning decisions in the Park and will start to deliver the planned and coordinated delivery of the aims of the Park through the planning system.

Implications for Partners and Stakeholders

16. The publication and deposit of the Local Plan has implications for many of our partners in delivery and other stakeholders. There are implications for all developers in a new planning policy framework, and the Deposit Local Plan places an emphasis on developers providing sufficient information, adapting to sites and designing sensitive schemes. Some of the requirements will have financial implications.
17. The Local Authorities in particular are affected by the Local Plan as a material consideration in development management. This requires a level of staff

awareness, training and adaptation to ensure that the Plan is used and interpreted consistently by individual officers and planning committee members across the local authorities and Park Authority. As the main public service delivery organisations in the park area, the local authorities may also find other new implications for service delivery from the Local Plan. The proposed mechanisms for securing additional affordable housing and for providing an entry point to affordable housing from the housing waiting lists will have implications for procedures and working practices.

18. The Local Plan's approach to tackling the shortages of affordable housing in the Park requires a long term supply of land for housing. The Plan has identified land for a longer time scale than the 5 years that it will be used for. Although past problems with the waste water infrastructure in the Park are being resolved by Scottish Water, there is continued uncertainty about the viability and sustainability of supplies of fresh water for new development in parts of the Park. Scottish Water will need to identify additional sustainable water supply in order for development in the Park to meet future demands.

Financial Implications for the Park Authority

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

Presentational Implications

20. The Deposit of the Local Plan is a significant milestone for the National Park. It is important that we help people to continue their effective involvement in the process as it enters its more formal stages.
21. The purpose of placing the Local Plan on Deposit is to allow people to object to the Plan. The Park Authority will have to take all objections into account and make modifications where it considers them necessary and justify cases where it considers changes are not required or are unwarranted. Clearly, objections that are obviously related to the Local Plan and are reasoned in planning terms will tend to carry more weight with the planning authority than comments or objections that do not appear to be relevant to the Local Plan. The Park Authority has an important role in helping communities and individuals comment and object as effectively as possible.
22. The Park Authority will prepare advice for communities and individuals on how to object to parts of the Local Plan. We are currently programming a series of workshop briefings and will be available to speak with individuals and organisations before, during and after the Deposit period.

Next Steps

23. Subject to the Planning Committee agreeing the recommendations of this paper the next steps will be:
 - a) To make any changes to the plan that are agreed by the Planning Committee, further proof the text and check the consistency of the document, compile the technical appendices and glossary;
 - b) Finalise the Environmental Report of the SEA and send to the designers/printers;
 - c) Prepare a briefing note for objectors on how to make best use of the opportunity to object;
 - d) Board formally ratify the Planning Committee's decision to publish and Deposit the Local Plan;
 - e) Facilitate workshops through the ACC on how to object and comment on the Local Plan;
 - f) Place Local Plan on Deposit at end of June/early July and publicise the Deposit period.
24. Following the Deposit period of consultation, the Park Authority will make changes and modify the plan in response to objections and comments where it considers them justifiable and reasonable. We may also make changes in response to new information or changed circumstances that appear during or after the consultation period.
25. Once the CNPA has made the changes it considers appropriate, those modifications to the deposit Local Plan will be publicised (and objectors informed) and there is a further period of consultation to allow people to object/comment on the proposed modifications. The next stage is likely to be an Inquiry where a Reporter will consider the outstanding objections to the Plan.
26. The SEA of the Local Plan will continue throughout this process. An associated but separate assessment of the potential effects of the Plan on NATURA interests must also be completed before the Local Plan can be adopted in order to comply with Article 6 of the Habitats Directive.

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