

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: PLANNING IN THE CURRENT ECONOMIC CLIMATE

Prepared by: Don McKee, Head Planner

1. The purpose of this paper is to allow Members to consider:
 - the role of the CNPA Planning Service in addressing issues arising from the current economic climate;
 - the letter from the Scottish Government Chief Planner on Occupancy Restrictions and Rural Housing.

2. **Recommendation:**
 - a) **That Members note the important role of the CNPA Planning Service in the current economic climate;**

 - b) **That Members note the letter from the Scottish Government Chief Planner and confirm that the current use of occupancy restrictions in certain specific situations within the National Park is necessary, proportionate and in accordance with Scottish Planning and Local Plan policy and the terms of the Chief Planner's letter.**

3. **Background**
 - 3.1 The CNPA has a duty to ensure that the National Park aims are collectively achieved in a co-ordinated way. In doing so, we are particularly aware of the responsibility to promote sustainable economic and social development of the communities in the Park. The current economic climate is affecting everyone. All public bodies/agencies have a responsibility, so far as their remit allows, to do everything they can to help address the issues caused by the economic downturn and contribute to the improvements needed for the future.

- 3.2 The CNPA Planning Service is no exception. Business and housing developments in particular are finding it difficult and we have an obligation, within the context of the National Park, to continuously review and improve our service. We do this on an annual basis via the Service Improvement Plan and we have recently had discussions with the Scottish Government Chief Planner when he visited the Park.
- 3.3 Developers wishing to bring proposals forward require certainty and an early indication if an application will be successful. The adoption of the CNP Local Plan and suite of Supplementary Planning Guidance, along with pre-application discussions, gives greater certainty and allows for speedier determinations. Looking ahead, the next National Park Plan and Local Development Plan (LDP) will take account of the results of the consultation that finished on 9 December. This consultation has taken place in the midst of the current economic climate and the analysis of views expressed will demonstrate if this has been reflected. The LDP process will also take account of prevailing Scottish Government Policy and review the implementation of the current Local Plan.
- 3.4 There are a variety of measures in the refreshed Planning Service Improvement Plan (see report to 9 December Planning Committee) which are intended to help the CNPA as a planning authority work better with the development sector. The biannual Developers Forum, first meeting January 2012, and Planning & Communities Initiative to be rolled out in 2012, will provide an enhanced basis for discussion and understanding of planning issues, and importantly continue to find solutions appropriate to the Park. Similarly, enhanced information on the service via the website and elsewhere as well as more opportunity for feedback all help.
- 3.5 Although CNPA has made provision in the Local Plan and granted planning permission for a number of housing developments, the reduction in public funding and difficulties in obtaining alternative finance by developers and individual purchasers are a constraint on affordable housing being provided on the ground. The CNPA employs an Affordable Housing Officer whose job is focussed on working with communities and developers to find sites and delivery solutions to help meet the housing needs of communities in the Park. This work continues to be a priority activity for CNPA.
- 3.6 The focus of the current Local Plan is on managing the development and use of land within the context of National Park status. Although the Local Plan was first published before the economic down turn, the Local Plan Inquiry in 2009 and subsequent adoption in 2010 took place when the changing circumstances were becoming apparent. Many policies relate to natural and cultural heritage, but other policies and allocations are aimed at delivering for the business and housing needs of communities within the Park.

- 3.7 Policies 20, 21 and 22 give opportunities for the provision of housing throughout the Park and cover a wide range of circumstances. Policy 25 supports business development throughout the Park, and Policy 26 Retail Development and Policy 33 Tourism Related Development are equally supportive for those categories of development. The suite of Supplementary Planning Guidance in support of the Local Plan is there to further advise on how to bring applications forward that will secure a planning permission.
- 3.8 Despite the economic situation it is considered that there remains significant potential for planning permission to be granted for a range of housing, business and tourism development in the Park and developers are encouraged to speak to CNPA planning, affordable housing and other relevant specialist staff at an early stage in contemplating a development proposal. We have previously trialled a planning surgery in Badenoch & Strathspey with CNPA planning staff available on fixed day to meet anyone to discuss planning matters. This will be rolled out again in 2012 and arrangements can be made in other parts of the Park if there is a demand. This is over and above ad hoc visits to people to discuss their proposals – CNPA staff do this as a matter of routine and do not expect people to come to Ballater.
- 3.9 There has been some concern expressed about the requirements of Policy 18 Developer Contributions and Policy 19 Contributions to Affordable Housing and the associated Supplementary Planning Guidance. These policies have been through the Local Plan Inquiry and are well founded with the intention of maximising the contribution to affordable housing in the Park and securing other contributions towards impact of development on services such as education. CNPA has an agreement with Aberdeenshire Council Planning Gain Service to handle negotiations on these matters. Calculations are done on the level of developer contributions and these form the basis of a negotiation: they are not set in stone. Likewise, with affordable housing we are conscious of the current constraints on funding. CNPA has a Development Appraisal Toolkit, available for all to use via the website, which allows all of the factors involved in a development to be assessed together with a view to achieving a balanced outcome. The Toolkit forms the basis for an objective discussion: it is not an end in itself and CNPA staff are happy to arrange demonstrations on its use for any developer who is interested.
- 3.10 So, for the avoidance of doubt, it is not the intention to stop development. The CNPA wishes to enable viable development that delivers for the developer and the Park and we will continue to do all that we can to facilitate development that helps to implement the Local Plan.

4. Occupancy Restrictions and Rural Housing

- 4.1 The Scottish Government Chief Planner sent a letter to all planning authorities in November 2011 (Appendix I).

- 4.2 The letter highlights the current economic situation, difficulties in getting mortgages and states that “*Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.*” There is also reference to a vibrant populated countryside, the importance of design/siting, and that in areas where due to commuter or other pressure there is sound case for a more restrictive approach.
- 4.2 Policy 22 Housing Development Outside Settlements provides for new housing outside settlements for workers in an occupation appropriate to a rural location and where relevant to secure such housing through planning condition or legal agreement. The vast majority of housing allowed in the Park has not been subject to any restriction in occupancy, but in a small proportion of cases the use of Section 75 Planning Obligations ensures that a property is retained for the purpose for which planning permission was sought and granted.
- 4.3 We have worked with mortgage lenders to secure agreement to a cascade mechanism that would allow mortgages to be given with security for the lender in the event of default. There is provision to apply for variation or waiving of a Section 75 if circumstances change and to appeal to DPEA in the event of refusal.
- 4.4 It is therefore considered that the CNPA approach is a reasonable and proportionate one, based on Local Plan policy that has been through an inquiry in 2009. It is part of a package of policies seeking the same objective as outlined in the Scottish Government letter, i.e. a vibrant populated countryside, whilst taking account of National Park status and the attendant pressures for development that have to be balanced with sound natural and cultural heritage considerations.
- 4.5 As a final note on this issue, it is considered that it would further assist in clarifying the approach and interpretation of policy if further guidance is brought forward to clarify “an occupation appropriate to the rural location” as it can cover a wide range of occupations. This is perhaps not fully appreciated and is a matter that will be attended to early in 2012.

5. Conclusion

- 5.1 In summary, the CNPA is aware of the difficulties caused by the current economic climate. The operations of the Planning Service and application of Local Plan policy will continue to take it into account and review the issue on a regular basis.
- 5.2 The advice in the letter from the Scottish Government Chief Planner has been noted and the content, interpretation and application of Local Plan policy is not considered to be in conflict with what is being requested. This is reflected in the recommendation in paragraph 2 b) above.

Don McKee

planning@cairngorms.co.uk 20 December 2011