
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DISCUSSION

Title: Status of the National Park Plan and Emerging Local Plan in the Decision Making Process

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Purpose

To provide clarity on the materiality of the National Park Plan and the emerging Local Plan in the making of decisions on planning applications. To update the Board on the timetable of forthcoming events to secure the adoption of the Local Plan, its associated supplementary guidance, review the National Park Plan and commence work on the Local Development Plan.

Executive Summary

The Cairngorms National Park Authority has a duty to prepare a National Park Plan and Local Plan for the Park and keep them updated. With an adopted National Park Plan since 2007, work on completing the work to adopt the Park wide Local Plan is now entering its final phases. This report clarifies the materiality which should be attached to each plan in the decision making process for both applications being considered in the call in process, and in their final determination. It also sets the work on getting the Local Plan to adoption in context with ongoing work to produce the next National Park Plan, a Local Development Plan and supportive supplementary guidance.

STATUS OF THE NATIONAL PARK PLAN AND EMERGING LOCAL PLAN IN THE DECISION MAKING PROCESS – FOR INFORMATION

Background

1. The Board will be aware of the recommendations made in the Reporters Recommendations as a result of the Local Plan Inquiry, in relation to the role of the National Park Plan.
2. The Board will also be aware of the procedures and stages of the Local Plan process which have been followed to date, leading most recently to the approval of a set of Post Inquiry Modifications which are currently the subject of a period of public consultation. A suite of Supplementary Planning Guidance has also been drafted to assist in the delivery of the Local Plan once adopted, and this is also the subject of a period of public consultation.
3. The Local Plan begins to hold increasing weight in the decision making process when looking at both applications through the call in procedure, and for the determination of planning applications. It is therefore important that the Board, officials both within the Authority and those who will use the Plan in determining applications not called in are clear on the issues that need to be taken into consideration from this point forward.

Role of the National Park Plan in the Decision Making Process

4. The Reporters report into outstanding objections to the Deposit Local Plan as modified, provides considerable clarity on the role of the National Park Plan. They conclude that it provides the overarching context for development planning and management within the National Park. The Local Plan goes on to set out detailed policies to guide development in ways that contribute to the strategic objectives of the National Park Plan. Approved by Scottish Ministers, the National Park Plan provides the link between the aims of the National Park and the development process. The National Park Plan is considered to provide superior strategic guidance which need not be repeated in the Local Plan.
5. They go on to conclude that the National Park Plan is a material consideration in all planning decisions and Scottish Ministers have agreed that its terms are sufficiently wide to met the aims of the Park as these appear in statute.
6. It follows therefore that in the making of all planning decisions, both those called in by the Authority, and those determined by the 4 Local Authorities, the National Park Plan set the strategic guidance. It should be read with the Local Plan to avoid the need for repetition, and post inquiry modifications have removed such repetition, making the Local Plan a more concise document. The strategic objectives set out in National Park Plan should therefore form the basis of all decisions made.
7. The Board can therefore expect to see greater reference to the National Park Plan in the assessment of all planning applications. The strategic guidance provided by the National Park Plan will then be read with the Local Plan to provide a comprehensive

link between the aims of the Park, its strategic objectives, and the detailed policies provided in the Local Plan.

Role of the Emerging Local Plan in the Decision Making Process

8. As the Local Plan moves towards adoption it holds increasing materiality in the decision making process. We have now held a Local Plan Inquiry and received and considered the Reporters recommendations to that, and have produced Post Inquiry Modifications which set out the changes which are considered necessary as a result of that. As a result legal advice taken to clarify the materiality of the document at present states that it holds 'a great deal of weight' and that it should be taken into consideration when planning applications are being considered.
9. The Local Plan takes on board the most up to date thinking on planning matters and as such it appropriate that officials now use the emerging plan. In doing this however, officials and the Planning Committee must be clear on the intent of using the emerging plan, i.e. why we are using it instead of previously adopted plans. It must be made clear for example, where the adopted Local Plan for any given Local Authority area is outdated, does not reflect the most current thinking on any particular issue, or does not adequately reflect the National Park Plan.
10. It must however be remembered that the emerging plan is not adopted, and is therefore material but not definitive. When using policies which remain subject to substantial change through post inquiry modifications, are contentious in other ways including where the approach has not followed the recommendations of the Reporter, or where use of the emerging plan would result in a different decision on an application, care must therefore be used. Such issues must be assessed on a case by case basis, and highlighted to the Planning Committee to ensure complete transparency on how the plan and its policies are being used.
11. Members can therefore expect to see a greater emphasis placed on the emerging policies and proposals set out in the emerging Local Plan, both in the call in process, and in reports for the decision making stage of the process. Where the use of the plan may result in any kind of challenge or contention, this will be highlighted to members to ensure they are fully aware of the impact of taking any course of action.

Timetable of key dates

12. This transition period during which the Local Plan carries increasing weight as a material consideration will end once formal adoption is complete, at which point the Local Plan will provide the definitive reference point. In the event that there is no need to hold a 2nd Local Plan Inquiry it is anticipated to adopt the plan by November. Dealing with this phase of the process as expeditiously as possible will help reduce any possible confusion for all those involved in the development process.
13. To set this date within the wider timetable of ongoing work on the National Park Plan review, the adoption of supplementary guidance, and the first stages of the Local Development Plan the following table sets out key dates in the combined process. While this sets out key targets, it does not detail the level of informal discussion with the Board which will be required to reach these dates.

Forthcoming timetable of key dates and events				
	National Park Plan 2	Local Plan	Supplementary Guidance	Local Development Plan
Consultation on Post Inquiry Modifications		Ends 23 rd July 2010		
Board approval of draft Supplementary Guidance (phase 2) for consultation – Aviemore Design Framework, Developer Contributions			6 th August 2010	
Consultation on phase 2 Supplementary Guidance			16 th August – 24 th Sept 2010	
Committee consider analysis of responses to Post Inquiry Modifications		20 th Aug 2010		
Notice of Intent to Adopt (period for consideration by Scottish Ministers)		23 rd Aug 2010		
Series of community engagement events to inform National Park Plan 2	Sept 2010			
Current consultation on supplementary guidance (phase 1)			Ends 24 th Sept 2010	
Board resolution to adopt Local Plan		29 th Oct 2010		
Board adoption of Supplementary Guidance (phase 1 & 2)			29 th Oct 2010	
Board approval of draft Supplementary Guidance (phase 3) for consultation – Renewable Energy, Carbon Emissions			21 st January 2011	
Board Report on findings of stakeholder engagement ongoing on National Park Plan 2 and Main Issues for Local Development Plan during 2010	21 st January 2011			21 st January 2011
Consultation on phase 3 Supplementary Guidance			7 th Feb – 29 th April	
Board approval of draft National Park Plan 2 and Main Issues Report for consultation	May 2011			May 2011
Board adoption of phase 3 Supplementary Guidance			June 2011	
Consultation on draft National Park Plan 2 and Main Issues Report	May – Aug 2011			May – Aug 2011
Final National Park Plan 2 to Scottish Ministers	March 2012			
Draft Local Development Plan produced for consultation				May – Aug 2012

Consultation

14. Members will be aware that the Local Plan has been the subject of considerable consultation, including the current consultation on the Post Inquiry Modifications. A similar consultation exercise is also ongoing relating to supplementary guidance.
15. The review of the National Park Plan and Local Development Plan will be subject to extensive consultation and targeted engagement, commencing during the summer and ongoing thereafter at key stages of the process.

Policy Context

16. The CNPA is responsible for the production of a National Park Plan and Local Plan for the Park. The National Park Plan provides the strategic context for this Local Plan, and policies and proposals must accord with the objectives of the National Park Plan. An adopted Local Plan and development management procedures that ensure all developments protect the Park's special habitat and special qualities, and site design plans for developments that make a positive contribution to biodiversity as appropriate to their location is a priority for Action in the National Park Plan. The National Park Plan includes as a further Priority for Action the need to make provision for effective land and policies for housing in the Local Plan. Adopting and implementing the Local Plan will therefore significantly assist in the delivery of these priorities. The adoption of the Local Plan will also achieve one of the strategic objectives set out in the Corporate Plan. It will ensure the Park is a well designed, sustainable area of high environmental quality which provides affordable places for people to live, work and actively enjoy.

Implications

Financial Implications

17. The budget for publication, consultation and adoption of the Local Plan and the review of the National Park Plan and Local Development Plan are planned for in the agreed Operational Plan. The staff resources required to undertake this work will fit within existing work programmes.

Presentational Implications

18. This Report raises a number of presentational issues linked to the implementation of the Local Plan once adopted, and also its materiality prior to the date of adoption. It is therefore extremely important that in the use of both the National Park Plan and the emerging Local Plan in the determination of planning applications, and in assessing the significance of applications in the call in process, the weight being given to the emerging Local Plan is made completely transparent.
19. Close liaison with the constituent Local Authorities is also required to ensure a similar level of transparency is being used for those applications which are not called in.

Implications for Stakeholders

20. The constituent Local Authorities use the National Park Plan at present, and will use the adopted Local Plan in determining those applications submitted in the Park but not called in by CNPA. Developers, key agencies, infrastructure undertakers, community groups and residents will also use the Local Plan to guide and inform further development work in the Park. It will be a necessity to continue to work closely with all involved to ensure a clear and widespread understanding of the National Park Plan and Local Plan and how they are to be used once the Local Plan is adopted.

Next Steps

21. The next step in the process is the assessment of the replies to the consultation on the Post Inquiry Modifications which will be presented to the Planning Committee on the 20th August. All future dates to reach adoption will depend on these responses, and any possible need to hold a second local plan inquiry.
22. Contact will also be made with the Development Management staff in the Local Authorities to ensure they are now using both the National Park Plan and the emerging Local Plan in the determination of applications not called in by the CNPA.

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