

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: FINALISED ABERDEENSHIRE LOCAL PLAN 2003

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Purpose

This report is the follow-up to Board Paper 5 (23/05/03) prepared in response to a consultation by Aberdeenshire Council (AC) seeking the views of the Park Authority on the new Aberdeenshire Local Plan. AC have made modifications to their Local Plan in line with the comments in Paper 5, and have re-consulted us with a view to the CNPA adopting the Local Plan for its own use.

This report is also to notify the Board that as of 1st September 2003 the CNPA will have joint responsibility for the Aberdeenshire Local Plan Public Inquiry (as relevant to the Park area), which starts in November 2003; the meeting relevant to the Park area will likely be held in Braemar in March 2004.

Recommendations

- The CNPA thanks Aberdeenshire Council for the opportunity to be consulted on this Local Plan.
- The CNPA supports the plan's modified policies in so far as they relate to Marr West and part of Marr East, now that specific reference has been made to the Cairngorms National Park and its four Aims.
- The Park Aims, as set out in Section 1 of the National Parks (Scotland) Act 2000 and in conjunction with Section 9 (6) of that Act, have an important bearing on planning policy and will form the basis for the Park's planning decisions, in conjunction with the relevant development plan(s).

Executive Summary

The plan, like all local plans, is a very important land use planning document and contains policies and proposals for the whole of Aberdeenshire. It is at a stage in the procedure where modifications have been made following objections at the finalised draft stage; those objections still outstanding will now be dealt with at a Public Inquiry. Only 25 objections (out of some 2000) relate specifically to the Park area, although there are many other objections to plan-wide policies, which may have an impact on the Park area.

The next step is to hold the Public Inquiry, which will run from 19th November 2003 to 2nd April 2004, and Aberdeenshire Council needs to know what attitude the Park Authority intends to take, relative to accepting (or otherwise) the Local Plan. It is certainly in the CNPA's interest to have the most up-to-date development plans in place, until our new CNPA Local Plan can be written and adopted.

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Background

1. This local plan has been under preparation since September 1998 and has passed through the main public consultation stage to a Finalised Plan in August 2002. The local plan process allows for objections to be submitted by the public and other interested parties which, if not resolved, must lead to a Public Inquiry. As would be expected in a plan of this complexity, a considerable number of objections have been submitted and the Council has made arrangements for a Public Inquiry to be held before two independent Reporters from the Scottish Inquiry Reporters Unit.
2. The Council is understandably keen to know what attitude the CNPA intends to take towards both the content and future progress of the plan.
3. If the CNPA is satisfied with the plan in its modified form, it would be appropriate for a resolution to that effect to be made by the CNPA and notified to the Inquiry Reporter. From that point onwards both Aberdeenshire Council and the CNPA would give evidence in support of the plan, then await the Reporter's recommendations on the various objections relevant to the Park area. These would be dealt with in a joint way leading, ultimately, to adoption of the plan by separate resolutions. The preparing authority is not bound to accept a Reporter's recommendations but there is a strong presumption that it should do so unless clear reasons can be set out for rejection.

Policy Issues

4. Against the above background, I would like very much to advise the Board that the Plan now raises no issues of concern to the Park's interests. In such circumstances the plan could proceed with a view to adoption some time in 2004 and both Aberdeenshire Council, and the Park, would have an up-to-date context for making planning decisions within their respective jurisdictions.
5. The modifications we requested focused principally on a number of the general, "plan-wide", policies and, to a lesser extent, on those which are specific to the Park area.
6. The problem with the plan-wide policies was that they had been drawn up with no recognition of the existence of the Park and its special characteristics. References to the Park have now been added throughout Chapter 1 (Introduction) and Chapter 2 (the Plan's Objectives); the Park's 4 aims have been listed at Chapter 1 section 4, with additions noting that the first aim carries greater weight than the other 3 and that the new Cairngorms National Park Local Plan will supercede the existing local plans when it is adopted.
7. The boundary of the Park is also to be added to the Local Plan's proposals maps.
8. The Environment Policies Env\1-5A have an exemption clause justifying approval where, for example, "...the public benefits at a local level clearly outweigh the value of the habitat for biodiversity conservation." This exemption does not fit-in with the

concept and Aims of the National Park, so a clause has been added to each Policy stating that Park Aim 1 will ultimately be given greater weight as a determining factor for proposals within the Park's boundary.

9. Similarly, there are policies relating to Housing in the Countryside and Employment Development in the Countryside which apply uniformly across "the countryside" (of which the Park forms part). These have now been amended to make specific reference to the Park and its qualities, in particular Policies Hou\4 & 5 and Policy Emp\3A.
10. Turning to more area-specific aspects of the Plan, the maps which identify policies within the Park - Marr West and part of Marr East - define "Areas of Landscape Significance". While these are, no doubt, valid in an Aberdeenshire context they are exactly the type of designation for which a coherent, Park-wide view should be taken across local authority boundaries and, in my opinion, this can only be done as an outcome of CNPA's own appraisal in due course.
11. Of the 5 RSCs (rural service centres) within the Park area, Ballater had the only house allocation site of concern, an area of indeterminate boundaries was shown to the north-east of the settlement. No target number of houses was suggested for this location which was, in effect, a pointer to a future direction for development in the time period 2011 to 2015.
12. This proposal has now been removed from the Local Plan.

Conclusions

13. Aberdeenshire Council has modified the plan to address the concerns expressed in Paper 5 23/05/03. In this modified form, we recommend that the CNPA resolve to support it - in so far as it relates to the Park area - and be represented at the Public Inquiry to defend it against objections jointly with the Council. The Reporter will submit his recommendations to both the CNPA and the Council and, with or without further modifications, the Plan will be adopted by separate resolutions of both bodies.
14. In a future report we will address the issues surrounding the impending Public Inquiry.
15. A future report will also address the pattern and age of the various Structure and Local Plans which have effect within the Park Boundary. That report will also identify anomalies which occur between those plans and militate against a coherent, Park-wide policy framework for planning decisions. Then, or soon after, a decision will have to be taken on whether or not to embark on a single local plan for the whole Park area, or on several. In the meantime the development of specific guidance can be agreed upon to fill gaps caused by anomalies between the existing development plans.

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