

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title: SUBMISSION OF CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN TO SCOTTISH MINISTERS**

**Prepared by: DAN HARRIS, PLANNING MANAGER  
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#### **Purpose of Report**

To approve the modified LDP as the version the CNPA wish to see adopted and agree to submit to Scottish Ministers in accordance with section 19(12) of the Town and Country Planning (Scotland) Act 1997.

#### **Recommendation**

**That the Board approve:**

- a) the modifications proposed to the Cairngorms National Park Local Development Plan as a result of the Examination of the Plan and Reporters' Recommendations and publication of the proposed Plan (as modified);**
- b) the publication of notices and notification of those who made representations on the proposed Plan of the CNPA's intention to Adopt the Plan (as modified) with a view to adopting the Plan in early 2021.**
- c) the submission of the modifications, proposed Plan (as modified), Habitats Regulations Appraisal Record, SEA Environmental Report, and copy of advertisement of Notice of Intention to Adopt the Plan to Scottish Ministers by 26 November 2020.**

## Background

1. The Proposed Local Development Plan (LDP) was published for a consultation period which ran for 10 weeks from January to April 2019. During that period, the Authority received a total of 288 representations from 207 individuals and organisations. All unresolved representations were grouped into 12 broad Issues. The National Park Authority summarised and responded to these issues in the document known as a Schedule 4.
2. The Proposed LDP along with the Schedule 4 document and all other supporting information was submitted to Scottish Ministers on September 20<sup>th</sup> 2019 and the examination of unresolved representations by Reporters from Directorate for Planning and Environmental Appeals began on December 30<sup>th</sup> 2019. All matters were dealt through written representations and no oral sessions were held. The Examination Report and the Reporters' list of recommended changes was published on the 26<sup>th</sup> August 2020. The examination report is available at: [https://cairngorms.co.uk/wp-content/uploads/2020/08/Report-of-examination-dated-24-August-2020\\_704637.pdf](https://cairngorms.co.uk/wp-content/uploads/2020/08/Report-of-examination-dated-24-August-2020_704637.pdf)
3. The National Park Authority must now make the recommended changes to the Proposed Plan and submit to Scottish Ministers to request permission to adopt it.

## Summary of Recommended Changes

4. The Reporters have recommended 147 changes in total. Most of the changes are minor, setting out limited changes to policy wording and supporting text which, for the most part, helps clarify the intentions of the Plan. A significant proportion of changes are also based on suggestions by the CNPA in response to unresolved representations and were set out in the Schedule 4 document that was submitted for examination. Further changes were agreed between the Reporters and the CNPA as a result of requests for further information.
5. This section provides a summary of the main points and recommended changes arising from the Examination. **Annex 1** is a revised version of the LDP with changes made and a full list of changes may be found in **Annex 2 and 3**.

### **Housing**

- a) Reporters were supportive of the CNPA's approach to delivering housing, especially affordable housing and were satisfied that our evidence base supported our policy decisions.
- b) Reporters agreed with the CNPA's approach to calculating the Housing Supply Target (HST) and Housing Land Requirement (HLR), which sets out a 10% generosity level.
- c) Minor change are recommended to the HST based on up-dated completions data. The new HST was calculated by the CNPA and agreed by the reporter. The new HST is presented in Table I. To summarise it has resulted in a slightly higher HST in the Aberdeenshire area and a slightly lower HST in the Highland

area of the National Park. The Perth and Kinross area HST remains the same overall, but with a slightly altered AH/MH mix. These changes only affects the 2020-24 period of the Plan. No change was proposed for the Moray area HST.

**Table I Updated Housing Supply Target**

Local Authority	2020-2024			2025-2029			2030-2039 (Indicative target)		
	Market	Affordable	Total	Market	Affordable	Total	Market	Affordable	Total
Aberdeenshire	40	35	75	26	23	49	47	38	85
Angus	0	0	0	0	0	0	0	0	0
Highland	144	165	309	118	100	218	236	200	436
Moray	18	10	28	14	7	21	22	13	35
Perth & Kinross	13	14	27	9	7	16	18	14	32
<b>Total</b>	<b>215</b>	<b>224</b>	<b>439</b>	<b>167</b>	<b>137</b>	<b>304</b>	<b>323</b>	<b>265</b>	<b>588</b>

- a) Reporters were satisfied that the CNPA has considered local need.
- b) Reporter supported the 45% Affordable Housing Requirement in Aviemore, Ballater, Braemar and Blair Atholl.
- c) Reporter drew on policies within the National Park Partnership Plan to support our position on the HST, HLR and affordable housing policy.
- d) Reporters agreed that the CNPA has done everything it can within the context of the LDP regarding Second Homes. Only a change in primary legislation would allow it to do more.
- e) Reporters did not agree with Policy 1.11 and our allocation of long-term sites at North Aviemore. CNPA has been directed to delete the policy and sites LTH1 and LTH2. The Reporter’s rationale for this is that they did not think the policy or sites were required at this time as they calculated that a five year land supply can still be met even if the An Camas Mór consent lapses and the development does not happen.

***Economic Development***

- a) No significant changes to this area of the Plan.
- b) Reporter requires the Strathspey Railway to be identified on Figure 7, which identifies important economic sites within the National Park.
- c) The term ‘social impacts’ under policy 2.2 is being changed to ‘amenity impacts’ as Reporters feel this is less vague.
- d) Reporters recommend that a definition of a ‘hut’ to be added to glossary.

***Design and Placemaking***

- a) No significant changes to this area of the Plan.
- b) Reporter recommends that a new criterion be added to policy 3.3: “promote good health and well-being”.

***Natural Heritage***

- a) No significant changes to this area of the Plan.

- b) Main change is to amend references to Natura sites etc. to refer to “European Sites” and change other wording to reflect leaving EU and the uncertainties therein.
- c) Policy 4.3 on woodlands changed in a number of places. Main change reflects the Reporters’ opinion that not all ancient woodlands are on the AWI, so the policy is broadened to include these woodlands. The policy to protect woodlands has therefore been strengthened by the Reporters.

### **Landscape**

- a) No significant changes to this area of the Plan.
- b) No changes to policy 5.1 but Reporters recommend adding a reference to wild land areas to the supporting text.
- c) The new Policy 5.2 on hill tracks was supported, but Reporters require a minor change to clarify that any new tracks must be essential for land management purposes; should not adversely affect any of the special qualities of the National Park including wildness; and that removal of existing tracks should only be considered where appropriate. The policy has therefore been strengthened by the Reporters.

### **Settlements and Sites**

- a) Aviemore - Reporters do not believe there is much difference in identifying An Camas Mór as Strategic Settlement or Strategic Consent so has not recommend a change in that regard.
- b) Aviemore - Reporters recommend adding An Camas Mór’s settlement objectives, as found in the current LDP, into the site information in the new LDP.
- c) Grantown-on-Spey – Reporters recommend drawing a more accurate line on the Settlement Map to represent the Strathspey Railway extension.
- d) Grantown-on-Spey – Reporter recommends an addition to the site information for EDI to state that it has limited development space due to need for land to accommodate new rail infrastructure.
- e) Grantown-on-Spey – Reporters require new community allocation for site that has consent for allotments on Mossie Road.
- f) Kingussie – Boundary of EDI to be expanded to encompass neighbouring businesses which take access from Market Lane.
- g) Ballater – The principle of HI was supported by Reporters. However, a change was recommended to estimated delivery rate to match Aberdeenshire Council’s latest Housing Land Audit; this is slightly higher than was published in the Proposed Plan. The site’s boundary remains as proposed.
- h) Braemar – Overall the scale of development agreed to be appropriate. However, the Reporters are directing the CNPA to delete H5 North Braemar. The Reporters argue that there is already sufficient effective housing land in the Aberdeenshire part of the Park to meet the HST and HLR.
- i) Carr-Bridge – boundary and site info for HI: Carr Road to be amended to reflect the recent planning consent (2019/0120/DET).
- j) Kincaig – HI remains as proposed with an additional site requirement about flooding.

- k) Kinncraig – ED2, which the former A9 works compound is recommended to be deleted due to its landscape impact and because the Reporters were not convinced that it's the right location for economic development.
- l) Nethybridge – Reporters agree that the former HI site (as identified in the 2015 LDP\_ should be deleted as proposed.
- m) Blair Atholl – new housing site to be added to cover the consent for 8 units at Land North of Old Orchard (2019/0263/DET).

## Implications

- 6. The recommendations contained in Examination Reports are largely binding and planning authorities may depart from the recommendations only in specific defined circumstances. These are set out in Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 and Section 19(11) of the Town and Country Planning (Scotland) Act 1997. The circumstances where authorities may depart from recommendations are where the recommendation(s):
  - a) would have the effect of making the LDP inconsistent with the National Planning Framework, or with any Strategic Development Plan or National Park Plan for the same area;
  - b) is incompatible with Part IVA of the Conservation (Natural Habitats etc.) Regulations 1994;
  - c) would not be acceptable having regard to an environmental assessment carried out by the planning authority on the plan following modification in response to recommendations;
  - d) are based on conclusions that could not reasonably have been reached based on the evidence considered at the Examination.
- 7. None of the Reporters recommendations have been identified as meeting any of these criteria and therefore the CNPA is bound by them. None of the modifications to the LDP mean substantive changes to the content or conclusions of the Strategic Environmental Assessment (SEA) or Habitats Regulations Appraisal (HRA) of the LDP.

## Next Steps

- 11. Once the Board approve the modified LDP for submission, the CNPA must publish a notice in one or more local newspapers stating:
  - a) that the authority propose to adopt the Proposed Plan;
  - b) whether the plan has been modified following the Examination; and
  - c) where and when the plan (as modified if appropriate) and the modifications (if any) may be inspected.
- 12. The CNPA must make copies of the modified LDP available to inspect at the planning office and in all public libraries and on the internet (clearly, precautions around Covid-19 mean that access to public inspection locations is more limited and access via the internet is the easiest way for most people to view); and

13. The CNPA must notify those who made representations on the Proposed Plan prior to the Examination that the Proposed Plan has been published in the form in which the authority propose to adopt it, and where and when it can be viewed.
14. By the 26<sup>th</sup> November the CNPA must submit the modified LDP to Scottish Ministers, alongside the following supporting documentation:
  - I. the modifications made following receipt of the Examination Report;
  - II. a statement setting out any recommended modifications that the authority has not made and the explanation for this (by reference to the grounds listed above);
  - III. the Report of the Examination;
  - IV. the advertisement of their intention to adopt the plan; and
  - V. any environmental assessment carried out into the Proposed Plan as modified.
15. 28 days after the Plan has been submitted to Ministers, the CNPA may adopt the plan unless directed not to by the Scottish Ministers. Scottish Ministers have a default power under the 1997 Act (section 20) to direct the planning authority to consider modifying a LDP, or for Scottish Ministers to approve the plan themselves. Ministers expect they will rarely use this power, however it should be noted that they did direct the CNPA to make a change to the current Plan 2015.

## **Recommendation**

**That the Board approve:**

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**Annexes**

1. Modified LDP
2. Examination Report
3. Reporters Recommendations by Issue