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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title:** **ADOPTION OF NON-STATUTORY PLANNING GUIDANCE  
[DEVELOPMENT BRIEFS FOR DULNAIN BRIDGE (HI), GRANTOWN-ON-SPEY (HI), KINCRAIG (HI) AND NEWTONMORE (HI)]**

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#### **Purpose**

To ask the Planning Committee to adopt four development briefs as non-statutory planning guidance and inform them of further non-statutory guidance to be developed by the CNPA.

#### **Recommendation**

##### **That the Committee:**

- a) **Adopt development briefs for Dulnain Bridge (HI), Grantown-on-Spey (HI), Kincaig (HI) and Newtonmore (HI) as non-statutory planning guidance.**

#### **Background**

1. The CNPA Board adopted the Cairngorms National Park Local Development Plan 2015 (LDP) on 27 March 2015. Supplementary Guidance to accompany the LDP was approved on 17 April 2015 and has been submitted to Scottish Government. In considering the Supplementary Guidance the Planning Committee agreed to adopt the four development briefs as non-statutory planning guidance in order to provide greater flexibility for decision-making and to allow changes to be made, if required, during the life of the LDP.
2. Supplementary Guidance, often referred to as 'statutory' Supplementary Guidance, forms part of the development plan once it is adopted. It must cover topics identified in the development plan, follow set procedures, including a period of consideration by Ministers before it can be adopted. Once it is adopted, it has the same status as the development plan.

3. The CNPA consulted on the proposed Supplementary Guidance during 2013 at the same time as the proposed Cairngorms National Park Local Development Plan (LDP). Proposed Supplementary Guidance was prepared for each policy in the proposed LDP and in the form of development briefs for four sites in the Plan - Dulnain Bridge (HI), Grantown-on-Spey (HI), Kincaig (HI) and Newtonmore (HI).
4. Planning Authorities can still prepare and adopt non-statutory planning guidance. Legislation requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. Non-statutory guidance can be a material consideration in decision-making. The weight that a planning authority can attach to it will depend on factors such as the degree of consultation undertaken and its direct relevance to the case being considered. Non-statutory planning guidance can be prepared and updated more quickly than Supplementary Guidance because it does not require involvement of Scottish Ministers. It can also be prepared at any point during the life of a development plan and for topics or issues that are not directly signalled in the development plan.

### **The Development Briefs**

5. The four development briefs are included as Appendix 2. The sites were selected for this approach because they were the larger allocations in the Plan that did not already have a planning permission in place (or, in the case of Ballater HI, the preparatory work for a detailed masterplan undertaken by the Prince's Foundation). The proposed changes to the development briefs resulting from the consideration of what we heard during the consultation were reported to the Planning Committee on 17 April ([Agenda Item 5](#)) and are summarised below:

#### ***Each Development Brief***

- a) First sentence of paragraph 20 (Sustainable build and energy requirements, each development brief) modified to read: 'The design of all development should seek to minimise requirements for energy, demonstrate sustainable use of resources and water efficiency and use non-toxic, low-embodied energy materials. (in response to Scottish Water comment)

#### ***Grantown-on-Spey HI***

- a) Amend the boundary of the HI site to match that of the allocation in the LDP for continuity. (in response to correction in LDP and Gordon Bulloch comment)
- b) Last sentence of paragraph 42 modified to read 'Building heights are acceptable up to 1.5 storeys'. (in response to Gordon Bulloch comment)
- c) Addition of a paragraph following paragraph 35 to read 'The Kylintra Burn runs along the north west boundary of the site. SEPA holds records of flooding the Burn. A flood risk assessment is likely to be required to support development proposals'. (in response to SEPA and Gordon Bulloch comments)

***Kincraig HI***

- a) Addition of paragraph following paragraph 36 to read ‘A small watercourse runs along the site boundary which is culverted under a nearby road and the topography is very low and flat so it may be susceptible to flooding. A Flood Risk Assessment will be required to support development proposals’. (in response to SEPA comment)

***Newtonmore HI***

- a) Addition of paragraph following paragraph 46 to read ‘A Transport Assessment should be undertaken to determine the impact of the development on the safe and efficient operation of the trunk road. If required, trunk road mitigation measures should be agreed with Transport Scotland and delivered by the developer’. (in response to Scottish Government comment)

- 6. The only further change proposed is the replacement of their previous description as Supplementary Guidance with their new title of non-statutory planning guidance. The charity Buglife also made a representation seeking explicit reference to requirements for invertebrate surveys. Our response is that the need for invertebrate surveys is identified through the Natural Heritage policy in the LDP and the Natural Heritage Supplementary Guidance. Buglife specifically mentioned potential for Aspen hoverfly in mature woodland near the site. However, the development brief already notes that existing Aspen on the site should be retained and further planting undertaken so there is no justification for requiring a survey for that species. Nevertheless, we agree with the principle that where possible, the exact survey requirements for habitats and species should be identified in future development briefs and for individual sites in the next LDP.

**Further Non-Statutory Planning Guidance**

- 7. The CNPA has already committed to prepare non-statutory planning guidance for the Carrbridge HI site and for the Aviemore Highland Resort site through the LDP Action Programme. We expect each of these to take a similar form to the development briefs attached to this paper, and the proposed process and timetable is explained below.

***Carr-bridge***

- 8. At Carr-bridge, in addition to preparing a development brief for the site HI with the community, we want to commission a community needs housing survey that will inform that work as well as the community’s own investigations of re-use of the derelict Struan Hotel in the village. The developer/landowner of the HI has so far been unwilling to discuss a way forwards and staff will continue to try to seek their participation. An outline timetable for the work is shown below.

<b>Timescale</b>	<b>Activity/Product</b>
July-Aug	<ul style="list-style-type: none"> <li>• CNPA review of site constraints and data</li> <li>• Seek further contact with developer/landowner</li> </ul>
Early Sept 2015	<ul style="list-style-type: none"> <li>• Discuss proposed approach with Carr-bridge Community Council and</li> </ul>

<b>Timescale</b>	<b>Activity/Product</b>
	developer/owner
Sept/Oct 2015	<ul style="list-style-type: none"> <li>• Undertake community needs housing survey for Carr-bridge</li> </ul>
Nov 2015	<ul style="list-style-type: none"> <li>• Workshop with community representatives and other interested parties on HI site potential</li> <li>• Review housing needs survey results</li> </ul>
Nov-Dec 2015	<ul style="list-style-type: none"> <li>• Produce draft development brief for site HI</li> <li>• Planning Committee approval to consult</li> <li>• Consult community and other interested parties.</li> </ul>
Jan 2016	<ul style="list-style-type: none"> <li>• Review consultation comments</li> <li>• Finalise development brief</li> <li>• feedback to community and other interested parties</li> </ul>
Feb/Mar 2016	<ul style="list-style-type: none"> <li>• CNPA Planning Committee adopt as non-statutory planning guidance</li> </ul>

**Aviemore**

9. The Aviemore Highland Resort site is a significantly larger and more complicated site. The consent for the site, which included a masterplan, has lapsed. The owners have a team of consultants working to prepare new proposals for large parts of the site that have not been developed. It is likely that developer obligations agreed at an earlier stage will need to be reassessed as the way the site is likely to be developed has changed. This means that the both the CNPA and Highland Council will need a robust framework to ensure that the individual elements of the site work well together and to identify the impacts on services of development of the site and calculate developer obligations required to address them.
  
10. We propose to work with the agents for the site to jointly prepare a development brief that gives all the interested parties certainty and security about how the various parcels of land should be developed for everyone's benefit. A draft development brief will then be consulted on with the community and interested parties before finalising and adoption as non-statutory guidance. We intend to include the Tesco-owned site off Grampian Road in the development brief.
  
11. The proposed timetable for the work is shown below.

<b>Timescale</b>	<b>Activity/Product</b>
July-Sept 2015	<ul style="list-style-type: none"> <li>• CNPA review of site constraints and data</li> <li>• Agree approach with main agents/developers/landowners/Community Council</li> <li>• Form project team</li> </ul>
Oct 2015	<ul style="list-style-type: none"> <li>• Agents produce proposed plans/schemes</li> <li>• Stakeholder workshop to review options</li> </ul>
Nov-Dec 2015	<ul style="list-style-type: none"> <li>• CNPA produce draft masterplan</li> <li>• Review with stakeholders</li> <li>• Planning Committee approval to consult</li> </ul>

<b>Timescale</b>	<b>Activity/Product</b>
Jan-Feb 2016	<ul style="list-style-type: none"> <li>• Consult community and other interested parties.</li> </ul>
Mar 2016	<ul style="list-style-type: none"> <li>• Review consultation comments,</li> <li>• Finalise masterplan</li> <li>• Review with stakeholders &amp; feedback to community and other interested parties</li> </ul>
Apr 2016	<ul style="list-style-type: none"> <li>• CNPA Planning Committee adopt as non-statutory planning guidance</li> </ul>

### ***Cairngorm and Glenmore***

12. The Committee are aware of the work that has gone on to prepare a draft Strategy for Cairngorm and Glenmore area. The intention is to consult on proposals for changes to and redevelopment of visitor facilities at Glenmore and at Cairngorm. The consultation will include different options for the redevelopment of existing visitor accommodation and reorganisation of visitor infrastructure at Glenmore, from which a development brief will be prepared for adoption as non-statutory planning guidance by the Planning Committee.
13. The consultation will also include priorities for redevelopment, consolidation and investment in Cairngorm Mountain’s visitor facilities. Officers intend to use the feedback on those priorities to prepare a development brief for adoption as non-statutory planning guidance by the Planning Committee.
14. The process for developing planning guidance for Cairngorm and Glenmore is clearly different from the approach the CNPA will take at Carr-bridge and Aviemore. In those cases, the CNPA is leading the process from start to finish, whereas for the Cairngorm and Glenmore Strategy is being prepared by a partnership, of which the CNPA is one partner. The consultation on the draft Strategy will make clear that comments on the options and priorities at Cairngorm and Glenmore will be used to prepare development briefs to be adopted by the CNPA Planning Committee as non-statutory planning guidance.

### **Other Non-Statutory Guidance**

15. There may be other sites that become available for development or redevelopment during the life of the LDP where additional guidance would help manage change. For example, the current hospital facilities at Ian Charles in Grantown-on-Spey and St Vincent’s in Kingussie as well as health centre in Aviemore may become vacant in future. It is likely that we will want to prepare development briefs within the life of the LDP to secure suitable redevelopment of these sites. Alternatively, it is possible that some new form of development pressure could arise where additional policy guidance is needed to support development management decisions.

### **Resource Implications**

16. The work to prepare non-statutory guidance for Carr-bridge, Aviemore and Cairngorm and Glenmore has been identified in the Operational Plan and planning service unit plan

and is a commitment within the LDP Action Programme. The resource implications of preparing any additional or further guidance would be considered through future operational plans.

### **Next Steps**

17. Following adoption, the four development briefs presented (as Appendix I) with this paper will be published on the CNPA website and publicised through Planning Representatives Network and the Developers Forum. Letters will be sent to the relevant owners and Community Councils or Associations.
18. Staff will continue to progress plans for the guidance at Carr-bridge and Aviemore and at Cairngorm and Glenmore via the development of the Cairngorm and Glenmore strategy, involving the relevant local Board members and providing oral updates to Planning Committee.

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