

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: LOCAL DEVELOPMENT PLAN 2020: SUBMISSION FOR EXAMINATION

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Purpose

To seek the Board's agreement to submit the Proposed Local Development Plan 2020 and associated documents to Scottish Ministers for their formal consideration in accordance with sections 18(4) and 19(1) of the Town and Country Planning (Scotland) Act 1997.

Recommendation

That the Board:

- **Approves the Schedule 4 documents;**
 - **Approves the Statement of Conformity with the Participation Statement;**
 - **Agree to submit the Proposed Local Development Plan 2020 and associated supporting documents to Scottish Ministers for their formal consideration.**
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LOCAL DEVELOPMENT PLAN 2020: SUBMISSION FOR EXAMINATION – FOR DECISION

Background and Context

1. All planning authorities in Scotland are required by law to publish a Local Development Plan (LDP) for their area. The LDP should set out policies and site allocations to guide the development and use of land within the plan area. Current legislation requires the LDP to be kept up-to-date and reviewed at least every five years. The existing LDP for the Cairngorms National Park was adopted in March 2015 and a new LDP must therefore be adopted in 2020.
2. The process for producing an LDP is set out in planning legislation and includes a number of key stages:
 - a) Identifying and consulting on the key issues for the LDP through a Main Issues Report;
 - b) Producing a Proposed LDP to outline the planning authority's settled view on policies and proposals for the development and use of land; and
 - c) Subjecting the Proposed LDP to public scrutiny and then an independent examination by a Reporter appointed by Scottish Ministers
3. The CNPA consulted on a Main Issues Report (MIR) from 17 November 2017 to 2 March 2018 where we received 329 formal responses. A report summarising the consultation responses and seeking direction on how to take them into account in developing the Proposed LDP was considered by the Planning Committee in June 2018¹.
4. A further focused consultation on a small number of additional sites was undertaken between 13 August to 21 September 2018, and a report summarising the 72 responses and seeking direction on whether or not to include the new sites in the Proposed LDP in light of the consultation comments was considered by the Planning Committee in November 2018².
5. The Proposed Cairngorms National Park Local Development Plan was published for consultation from 25th January to 5th April 2019, following approval of the content and consultation period by the CNPA Board on 7 December 2018³. The Proposed LDP represents the CNPA's settled view as to what the final adopted plan should be, taking account of guidance in the National Planning Framework and Scottish Planning Policy and taking forward the strategy of the Cairngorms National Park Partnership Plan 2017-2022.

The route to adoption of the LDP

6. Where an authority receives formal responses objecting to a Proposed LDP they have three options to progress the Plan towards adoption:

¹ [MIR Summary of Responses and Recommended Actions](#)

² [New Sites Summary of Responses and Recommended Actions](#)

³ [Proposed LDP Approval for Consultation](#)

- a) Where there are unresolved representations, but the Authority decides to make no notifiable modifications, they are to publish the Local Development Plan and submit it to Scottish Ministers for examination by a Reporter from the Directorate for Planning and Environmental Appeals (DPEA).
 - b) Where the authority decides to make notifiable modifications (defined as changes which add, remove or significantly alter any policies or proposals in the Proposed Plan), they are to publish the modified Plan and specify a date (at least 6 weeks ahead) by which time further representations may be made, notifying particular parties affected by changes in allocations. The authority may then further modify the plan or submit it to Ministers for examination.
 - c) Where the authority decides to make modifications that change the underlying aims or strategy of the Proposed Plan, they are they are to publish a new Plan and specify a date (at least 6 weeks ahead) by which time further representations may be made, notifying parties affected by all allocations. The authority may then further modify the plan or submit it to Ministers for examination.
7. Given the time and resource spent on preparing a sound evidence base and on consultation at the Main Issues stage, the Scottish Government expects planning authorities to take the first route in all but exceptional cases. The examination of the Proposed LDP allows an authority to indicate to the Reporter where they consider a modification would be appropriate for the Reporter to take into account in making their recommendations.
8. The Authority is required to submit the following to the DPEA:
- a) The Proposed LDP;
 - b) The associated supporting reports (that are not subject to examination and may be updated following the reporters recommendations):
 - i. [Habitats Regulations Appraisal \(HRA\)](#)
 - ii. [Strategic Environmental Assessment Environmental Report \(SEA\)](#)
 - iii. [Equalities Impact Assessment \(EqIA\)](#)
 - c) The unresolved representations submitted prior to the close of the period of representations;
 - d) The Authority's response to unresolved issues (Schedule 4s);
 - e) The Authority's Participation Statement and The Statement of Conformity with the Participation Statement;
 - f) The Proposed Action Programme;
 - g) Supporting evidence backing up either the representations or the Authority's responses.

Representations received during the consultation on the Proposed LDP

9. A total of 207 formal responses to the Proposed LDP consultation were received from a broad range of organisations and private individuals and to all parts of the Plan. The responses can be viewed on the Cairngorms National Park Authority's website at www.cairngorms.co.uk/park-authority/planning/local-dev-plan/local-development-plan-2020/consultation-responses.
10. The responses included comments of support, general comments and objections to parts of the Plan. Where representations raise issues of objection that we do not

consider can be resolved, they are covered in detail within the Schedule 4 documents in **Annex 1**.

11. The planning team have undertaken training with the DPEA and have been in close liaison with the DPEA to ensure issues and the CNPA's responses in the Schedule 4 documents are presented most effectively for examination. Each issue is covered by: a list of those people and organisations who have unresolved representations; a summary of the relevant issues raised in representations; the modifications sought by representations to the Proposed Plan; and the CNPA's response to the representations including the reasons for not modifying the Plan. Where representations indicate support, or made only a comment on an issue, then these are not defined as unresolved issues and are not referred to in a Schedule 4 document. The Schedule 4 documents have been organised into 11 overarching issues:
- a) Issue 1: General
 - b) Issue 2: Introductions, Vision and Strategy
 - c) Issue 3: Policy 1: New Housing Development
 - d) Issue 4: Policy 2: Supporting Economic Growth
 - e) Issue 5: Protecting the Environment
 - f) Issue 6: Delivering Infrastructure
 - g) Issue 7: Badenoch and Strathspey Strategic Settlements
 - h) Issue 8: Aberdeenshire Strategic and Intermediate Settlements
 - i) Issue 9: Badenoch and Strathspey Intermediate Settlements
 - j) Issue 10: Other Intermediate Settlements
 - k) Issue 11: Rural Settlements
 - l) Issue 12: Other Issues
12. Having reviewed the representations received during the consultation on the proposed LDP we do not consider any significant changes to the Plan are required. Although representations have made objections to the Plan, we do not consider the significant changes sought are justified or desirable, so recommend that the Board approves the Schedule 4 documents and submission of the Proposed LDP to Scottish Ministers for examination by a Reporter.

Statement of Conformity with Participation Statement

13. The Statement of Conformity (**Annex 2**) is one of a suite of documents which accompanies the submission of the Proposed LDP to Scottish Ministers and will be the first element of the Plan to be examined by the Reporter. The Statement sets out how the CNPA has consulted with and involved the wider public in preparing the Proposed LDP and how that conforms with the Participation Statement contained in the Development Plan Scheme approved by the Cairngorms National Park Authority on 20th April 2018⁴.
14. The Participation Statement sets out the principles for community engagement, who would be consulted, and how they would be consulted, during each stage of the plan process. It has four key objectives:
- a) **Objective 1:** Ensure people and communities are aware of the process and the opportunities to comment at key stages in the production of LDP2. We will

⁴ [Development Plan Scheme April 2018](#)

distribute consultation information to council offices, National Park Authority offices and will also disseminate information through Community Councils, our community liaison officers, and community planning networks.

- b) **Objective 2:** Widely encourage involvement using a range of methods. We will publish information on the CNPA website and publicise the consultation processes through the media, newspaper adverts and articles.
 - c) **Objective 3:** Produce documents which are accessible, transparent and written in jargon-free language which avoids technical terms.
 - d) **Objective 4:** Publish an updated Development Plan Scheme every year, setting out how and when people can get involved in the preparation process.
15. We consider these objectives have been met and that the consultation on the Proposed LDP was effective. Notably, CNPA significantly increased its reach and engaged with a wider range of people than in previous consultation stages for this LDP or previous development plans. We consider that the way that information was clearly presented in a variety of formats, helped people to better understand the proposals and remit of the LDP and may have reassured more people that they did not need respond or object.
16. We recommend that the Board approve the Statement of Conformity with the Participation Statement to accompany submission the Proposed LDP to Scottish Ministers for examination by a Reporter.

Next Steps

17. Subject to Board approval of the recommendations in this paper, staff will:
- a) Finalise formatting of the Schedule 4 documents;
 - b) Finalise the compilation of the necessary core and supporting documents needed for the examination; and
 - c) Submit Proposed LDP and all other material to Scottish Ministers for consideration.
18. We expect that all the documentation will be submitted to Scottish Government by September 2019 and the examination of the Plan will start before the end of 2019. Officers do not consider the Proposed LDP should yet be given significant weight in the majority of planning decisions. The spatial strategy, policy context and majority of proposals are very similar to those of the adopted LDP 2015 so our opinion is that few applications would be significantly affected by the differences between the Plans and that these would have to be considered on a case by case basis.

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