

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: Analysis of responses to Post Inquiry Modifications to the Local Plan and next steps

Prepared by: Karen Major, Development Plan Officer

Purpose

This paper seeks the Committee's formal agreement of the analysis of the responses to the Post Inquiry Modifications to the Local Plan, and agreement to carry out the next steps in the adoption process.

Recommendations

That the Committee:

- a. **Consider the analysis of the responses to the consultation on the Post Inquiry Modifications**
- b. **Agree to commence the formal processes to adopt the Local Plan on 29th October, beginning with the publication of the Notice of Intention to adopt the Local Plan.**

Executive Summary

The Cairngorms National Park Authority has a duty to prepare a Local Plan for the Park and has been engaged in Local Plan preparation since September 2004. Following the close of the consultation on the Post Inquiry Modifications, this report sets out the objections received, and CNPA analysis of them. None of the objections raise new planning issues or matters which require a material change to the plan. There is no need therefore to refer any to a second Local Plan Inquiry, or publish any further modifications. Formal procedures to adopt the Local Plan can therefore commence.

Analysis of responses to Post Inquiry Modifications to the Local Plan and next steps – for Decision

Background

1. The Board will be aware of the procedures and stages of the Local Plan process which have been followed to date, leading most recently to the publication and consultation on a set of Post Inquiry Modifications in May. The period of consultation closed on 23rd July 2010.
2. The Local Plan process has now reached an important point, with 3 main options remaining for consideration. Firstly the Plan could at this stage be abandoned and started again. No circumstances are considered to have arisen to warrant this course of action. Secondly a second Local Plan Inquiry can be held. This is required when there are objections to proposed modifications to the Local Plan which are not withdrawn and which do not relate to a matter which has already been considered at a Local Inquiry. The Appendix to this report sets out the CNPA analysis of the objections received to the Post Inquiry Modifications, and concludes that no objections fall into this category. Having considered the need to carry out the two previous options, the final option is to move to formal adoption of the Plan.
3. This paper and its Appendix focus on the decisions that are needed to move to the next stage in the process. The Authority has previously set out its considered response to the Reporters Recommendations and it is not appropriate therefore to repeat this position. Nor is it appropriate at this stage to revisit discussions that have already formed part of the Local Plan Inquiry.

Analysis of responses to Post Inquiry Modifications

4. Objections have been received from 33 individuals, organisations and groups, with their objections raising 128 issues. Objections have been received on the following:
 - The plan as a whole
 - The statutory context
 - The Vision
 - Approach to economic development
 - Housing land supply
 - Open space allocations
 - Policies 1, 2, 3, 6, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 31, 32, 35,
 - Previous policy I
 - Settlements – Aviemore, An Camas Mor, Ballater, Boat of Garten, Braemar, Carrbridge, Cromdale, Dinnet, Grantown on Spey, Nethybridge.
5. CNPA must now decide whether it is necessary to hold a further Local Plan Inquiry. A further inquiry will only be required where a proposed modification has generated objections on a matter which has not already been considered at Inquiry. An inquiry into a proposed modification will not be necessary if it has resulted from a recommendation made by the Reporter, unless there has been a material change in circumstances.

6. At this stage in the process objections cannot be lodged to the content of the original plan. A number of objections have been made which fall into this category, and the CNPA has responded to them accordingly.
7. In the analysis of these objections CNPA must set out its response to each representation. This is set out in the appendix to this report. In analysing each objection it is important to remember the position already established by the Authority in respect of the Reporters Recommendations. As a result of this analysis, the Authority has also established its rationale for the post inquiry modifications, which are the subject of the objections received. Through the analysis of each objection it is concluded that none raise matters which would trigger the need to abandon the plan or hold a second inquiry.
8. Now that CNPA has considered the report of the Inquiry, and the representations in response to the Post Inquiry modifications, it can take steps to adopt the local plan. It is therefore proposed to advertise the required Notice of Intention to adopt the plan in local press commencing w/c 23rd August 2010. This notice must state the date CNPA intends to adopt the plan. It is proposed that this date be on or after 29th October.

Conclusion

9. In conclusion, through the analysis of the objections received to the Post Inquiry Modifications, it is clear that none require the further modification of the Plan, or the holding of a second Local Plan Inquiry. The plan should now move towards formal adoption on or after 29th October with the required notifications, and process completed in line with legislation on the topic.

Recommendation

10. **It is recommended that committee:**
 - a) **Consider the analysis of the responses to the consultation on the Post Inquiry Modifications**
 - b) **agree to commence the formal processes to adopt the Local Plan on or after 29th October, beginning with the publication of the Notice of Intention to adopt the Local Plan.**

Consultation

11. Members will be aware that the Local Plan has been the subject of considerable consultation, including full and comprehensive consultation on a 'Consultative Draft Plan', the 'Deposit Local Plan', and two sets of modifications to that plan, and most recently on the Post Inquiry Modifications. This report comes as a result of that consultation.

Policy Context

12. The CNPA is responsible for the production of a 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. In addition the National Park Plan also 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. In addition the adoption of the Local Plan will 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

13. The budget for publication, and adoption of the Local Plan is planned for in the agreed Operational Plan. The staff resources required to undertake this work will fit within existing work programmes.

Implications for Stakeholders

14. The constituent Local Authorities who 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 Local Plan and how it is to be used once adopted.

Next steps

15. The next steps are to advertisement of the Notice of Intention to Adopt the Local Plan, and inform objectors and Scottish Ministers. Unless, before the Plan is adopted, Scottish Ministers direct that the Plan shall not be adopted until further notice or shall not have effect unless approved by them, CNPA can adopt the Plan on the advertised date. A report setting this stage out will be returned on 29th October when a resolution from the Authority will be required. At this time a paper setting out an implementation plan will be included for decision. A Notice of Adoption is then required to be published.
16. Objectors can, on publication of the Notice to Adopt the plan, make application to the Court of Sessions. There is a 6 week period for such applications. On any such application the Court of Session may wholly or in part suspend or quash the plan, either generally or in so far as it affects the propriety of the applicant. Until such times as any application is considered by the Court of Sessions however, the process of adoption continues and, on completion of that process, remains the adopted plan until the outcome of the legal challenge.

Timetable for adoption of the Local Plan	
Committee consideration of representations made to Post Inquiry Modifications	20 th August 2010
Advertise Notice of Intention to Adopt Local Plan in local press notify objectors and Scottish Ministers of intention	Week commencing 23 rd August for 2 weeks
Board resolution to adopt Local Plan	29 th October
Advertise Notice of Adoption in local press and Edinburgh Gazette; notify anyone who has asked for formal notification	w/c 1 st November 2010
	November

Karen Major
19^h August 2010
karenmajor@cairngorms.co.uk

APPENDIX TO REPORT

Responses to the Consultation on the Post Inquiry Modifications, a brief summary of the main points made in relation to each objection, the CNPA analysis of that response, and CNPA decision.