

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: ADOPTION OF PLANNING GUIDANCE TO SUPPORT THE CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN (2015)

**Prepared by: Murray Ferguson, Director of Planning and Rural Development
Gavin Miles, Head of Planning
Katie Crerar, Planning Officer**

Purpose

To ask the Board to adopt three items of Supplementary Guidance and seven items of non-statutory planning guidance on policy topics in the Cairngorms National Park Local Development Plan (2015).

Recommendations

That the Board:

- a) **Adopt the following Supplementary Guidance:**
 - **Policy 4: Natural Heritage**
 - **Policy 7: Renewable Energy**
 - **Policy 11: Developer Contributions**

 - b) **Adopt the following non-statutory planning guidance:**
 - **Policy 1: Housing Development**
 - **Policy 2: Supporting Economic Growth**
 - **Policy 3: Sustainable Design**
 - **Policy 5: Landscape**
 - **Policy 8: Sport and Recreation**
 - **Policy 9: Cultural Heritage**
 - **Policy 10: Resources**
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Background

1. The Cairngorms National Park Authority (CNPA) Board adopted the Cairngorms National Park Local Development Plan 2015 (LDP) on 27 March 2015. When the CNPA published the proposed LDP for consultation in 2013, we also published and consulted on a suite of proposed Supplementary Guidance (SG) as part of the Plan. Please note that no guidance was proposed for Policy 6 on the Siting and Design of Digital Communications Equipment.
2. The outstanding issues on the proposed Plan were considered through the Examination of the Plan in 2014. The Supplementary Guidance simply provides further detail and information on policy and proposals in the Plan and is generally not considered as part of the Examination process.
3. The Supplementary Guidance was modified in response to representations received and to fit with any changes made to the Local Development Plan. The Committee approved the submission of the Supplementary Guidance to Scottish Ministers for their consideration on 17 April 2015.

Response from Scottish Ministers

4. On 25 August 2015 Scottish Ministers informed the CNPA that we could proceed to adoption of three items of Supplementary Guidance (Natural Heritage, Renewable Energy and Developer Contributions) but directed that the remaining proposed Supplementary Guidance could not be adopted as SG. In the view of Scottish Ministers, the adopted LDP did not include sufficient text that 'expressly identifies' the matters to be considered in Supplementary Guidance as required by the relevant Regulations. The Scottish Ministers highlighted that the CNPA may wish to consider adopting non-statutory planning guidance for these topics.
5. The Scottish Minister's direction means that the Board can adopt three items (Natural Heritage, Renewable Energy and Developer Contributions) of proposed SG directly as Supplementary Guidance.
6. The remaining seven items of proposed SG cannot be adopted as SG. However, each piece of guidance was consulted on at the same time as the proposed LDP, has been modified in response to the representations received and provides further clarity on

how planning applications can comply with policies in the LDP. For those reasons, the Board are asked to adopt those seven items as non-statutory planning guidance.

Status of Guidance

7. Once adopted Supplementary Guidance becomes part of the LDP. Legislation requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.
8. Although non-statutory guidance does not form part of the Local Development Plan, it can be a material consideration in decision-making. The weight that a planning authority attaches to it will depend on several factors, including the degree of consultation undertaken, how up-to-date the guidance is and the direct relevance to the case being considered. Non-statutory planning guidance can be reviewed and updated more quickly than full SG, though no changes are proposed at this stage.

Next Steps

9. Following adoption, all items of adopted planning guidance will be published on the CNPA website and publicised through the Community Planning Representatives Network and Developers Forum, to colleagues in partner local authorities.
10. Although there will be a technical distinction between the guidance that is full Supplementary Guidance and non-statutory planning guidance, we propose to present all ten items in a similar way as each is associated with a policy in the LDP. The ten items of guidance are shown in the Annex.

Murray Ferguson
Gavin Miles
Katie Crerar

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murrayferguson@cairngorms.co.uk

gavinmiles@cairngorms.co.uk

katiecrerar@cairngorms.co.uk