

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR INFORMATION

Title: DEPARTMENT OF PLANNING AND ENVIRONMENTAL APPEALS (DPEA) REPORT ON EXAMINATION OF PROPOSED LOCAL DEVELOPMENT PLAN

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Purpose of Report

To inform the Planning Committee of the Department of Planning and Environmental Appeals' Report of the Examination of the proposed Local Development Plan.

Summary

The Cairngorms National Park Authority (CNPA) received the Report of Examination on the proposed Local Development Plan on 8 September 2014. The CNPA now has three months to make modifications based on the recommendations in the Report, update assessments associated with the Plan, approve and publish modifications with a notice of intention to adopt and send copies of all the relevant documents to Scottish Ministers. If, after 28 days have passed from their receipt of the Plan, the Scottish Ministers have not directed the CNPA otherwise, the Plan can be adopted. The Planning Committee will be asked to approve publication and notification of the proposed modifications on the planning committee of 21 November 2014.

Recommendation

That the Board:

- a) Note the timescale for modifications to the Plan.**
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Background

1. The Cairngorms National Park Authority (CNPA) received the Scottish Government's Department of Planning and Environmental Appeals (DPEA) Report on the Examination of the proposed Cairngorms National Park Local Development Plan (LDP) on 8 September 2014. The CNPA had sent the proposed Plan, associated reports and representations made on it during consultation to Scottish Ministers in December 2013 and a DPEA Reporter was appointed to the case in January 2014. A further three Reporters were appointed to the case during early 2014 with the Examination starting on 5 February 2014.

The Report

2. The Report and summary of recommendations are structured by the sixteen issues that CNPA identified from the unresolved representations to consultation on the proposed LDP. The Report is available to view on the CNPA's website and the DPEA website. Before undertaking the Examination, the Reporters satisfied themselves that the consultation and engagement exercises we had undertaken as part of the plan-making process conformed with our participation statement.
3. The Reporters used the summaries of representations and responses prepared by the CNPA as well as the original representations in the Examination. The Reporters also undertook a large number of unaccompanied site inspections and held one hearing session on the issue of housing land supply. The Report itself is based on the CNPA's summaries of and responses to representations, to which the Reporters have added their conclusions (setting out their analysis) and their recommendations (which set out the changes we have to make).
4. The revised Scottish Planning Policy and National Planning Framework were published during the Examination in June 2014. SPP contains more explicit planning policy in relation to National Parks than previously available and the Reporters have drawn on it in their report and recommendations.

Initial observations from the Report

5. CNPA staff are considering the Report and recommendations and are starting to compile the modifications needed and consider the implications of modifications. Although our analysis is not complete, we are pleased that in general the Report demonstrates that the approaches taken by the CNPA to preparing the Plan and to the content of the Plan were reasonable and appropriate. On the whole, the Reporters have agreed with the position of the CNPA on most issues. Where they have made recommendations for changes,

they have understood the issues and the challenges faced by the CNPA in preparing the Plan and have provided clear advice on the way forward.

6. At this early stage, staff cannot provide detailed analysis but here are some of the key points that we have noted in the Reporters statements:
- Page 15, para 8, *“satisfied that the overall style of drafting is clear, and the plan will be equally accessible to those proposing or opposing specific development proposals”*;
 - Page 24, that the collective approach to the Aims of the Park is right and that the plan provides satisfactory protection for the Park’s special qualities;
 - Page 26, that our approach of using the community vision statements to provide context for each community rather than quoting them directly is reasonable;
 - That restricting the occupancy of housing to locals would be against national policy;
 - The Reporters have provided a method for calculating a housing target in Aberdeenshire and Perth and Kinross;
 - Page 45, that the figure for a generous allowance on housing land supply should be based on 10% of the housing requirement (lower than the 25% used in Badenoch and Strathspey);
 - Page 45, that overall (with modifications) the housing land requirement is met for the periods 2014-2019 and 2019-2024;
 - Page 51, that the CNPA cannot exclude sectors of the housing market and only provide for affordable housing;
 - Page 50, *“agree with the authority’s response that it is possible to encourage sustainable economic growth while at the same time meeting the conservation needs of the National Park..”*;
 - Page 144, change to the affordable housing contribution from the proposed 25% benchmark to “generally no more than” 25%.
 - No changes to the policies in the Plan on ‘Housing in settlements’, ‘Housing in rural groups’, ‘Affordable housing provided using cross subsidy using other housing’ or ‘Replacement Houses’;
 - Page 147, the Plan’s policy on cross subsidy of affordable housing is *“an innovative approach to seeking funding for affordable housing and is reasonable”*;
 - Reporters satisfied with CNPA approaches to identification of economic development land, tourism and renewable energy;
 - Pages 118 & 119, strong support for policy on Sustainable Design;
 - Page 157, recommendation for additional policy in plan on Digital Infrastructure;
 - Page 119 on Natural Heritage, *“I am not persuaded by those representations that seek to argue that that there is imbalance between the Plan’s policies on natural heritage and those on economic development.”*;
 - Page 169, Reporter agrees with CNPA suggestions that we name relevant designations in each community sections and that we make SNH’s suggested changes to the Plan to reflect the importance of the Capercaillie metapopulation in Badenoch and Strathspey;
 - Recommendation for removal of site HI at Nethy Bridge from Plan and for significant change (removal of wooded area) to site HI at Carr-Bridge.

Status of the proposed Plan and Report

7. Until the new LDP is adopted the current development plans remain the basis for assessing planning applications and making decisions. With the publication of the Examination Report, the Proposed Plan and the recommendations are now a material consideration of significant weight in determining planning applications.

Next steps

8. The CNPA is now required to make modifications to the LDP as set out in the Reporter's Recommendations and make any consequential modifications that arise from them. There are a few limited exceptions to this requirement, as set out under Section 19 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Grounds for Declining to Follow Recommendations (Scotland) Regulations 2009.
9. The planning team will now compile the List of Modifications, modify the proposed LDP, review (and where necessary update) all the necessary assessments, including the Habitats Regulations Appraisal (HRA), and prepare all the required documents for the Planning Committee to consider and approve the notification and publication of the CNPA's Intention to Adopt the LDP. We expect this to be on the Planning Committee Agenda of 21 November 2014.
10. The CNPA have three months from the 8th of September (when we received the Examination Report) to have listed the modifications, modified the LDP, published and advertised the Notice of Intention to Adopt and notified the people who made representations as well as sent copies of all the documents, including a copy of the advertisement, to the Scottish Ministers. There follows a period of 28 days before the CNPA can adopt the Plan. The Scottish Ministers could direct changes or other actions during that time. Unless the CNPA has been directed otherwise by the Scottish Ministers, it can adopt the plan after the 28 period has passed.
11. We also intend to modify the Supplementary Guidance that accompanies the LDP, and which was consulted on at the same time as the Proposed LDP, in order that it can be adopted at the same time as the LDP early next year (2015). However, we cannot be as certain of the timescales for adoption of the Supplementary Guidance as we are for the LDP itself. The planning team are currently recruiting two Development Planning Officer vacancies and the priority for existing staff is to meet the statutory requirements associated with the LDP itself.

Gavin Miles

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