

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: **ADOPTION OF CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN**

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Purpose of Report

To ask the Board to adopt the Cairngorms National Park Local Development Plan.

Summary

The Cairngorms National Park Authority (CNPA) has a duty to prepare the Local Development Plan (LDP) for the Cairngorms National Park. Preparation of the LDP began in 2010. A Main Issues Report was published and consulted on from September to December 2011 and a Proposed LDP published and consulted on from April to July 2013. The Scottish Government's Department of Planning and Environmental Appeals (DPEA) undertook an Examination of the Plan between February and September 2014 and the CNPA received the Examination Report on 8 September 2014.

On 21 November 2014 the CNPA Planning Committee approved modifications to the Proposed LDP in response to the DPEA Report and the publication of its Notice of Intention to Adopt the Plan. Scottish Ministers were sent the Proposed LDP (as modified) and associated documents on 5 December 2014 for the statutory period of consideration. On 24 February 2015, Scottish Ministers formally directed the CNPA make a change to a housing allocation at Carr-bridge before adopting the Plan. Once adopted, the Plan will be called the Cairngorms National Park Local Development Plan 2015.

Recommendation

That the Board:

- a) **Adopt the Proposed Cairngorms National Park Local Development Plan (as modified) and as directed by Scottish Ministers.**

ADOPTION OF CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN – FOR DECISION

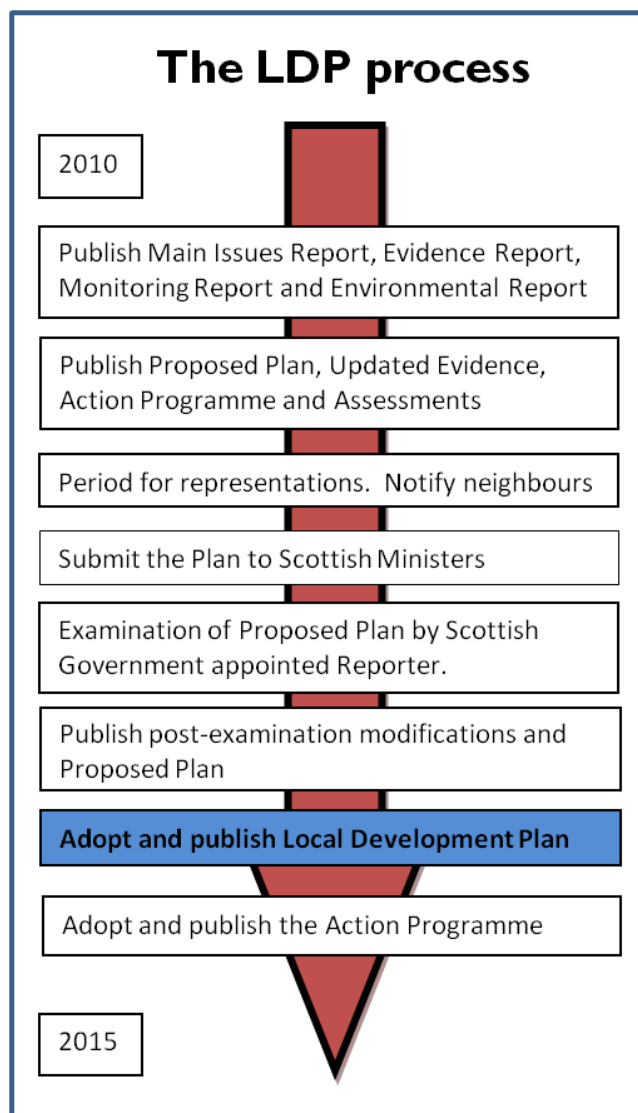
Background

1. The Cairngorms National Park Authority (CNPA) has a duty to prepare the Local Development Plan for the Cairngorms National Park. The CNPA prepared a Local Plan that was adopted in 2010 and covers all of the National Park apart from the area within Perth and Kinross that was added to the Park in 2010.

2. The process of preparing a Local Development Plan (LDP) for the Park began in 2010. The timeline for the LDP process is shown in the figure to the right with the current stage highlighted. Once adopted, the LDP will replace the Local Plans that apply within the Park, as well as the historic Structure Plans (or Tayplan Strategic Development Plan in the case of Perth and Kinross) covering each Local Authority area that remain part of the formal development plan for the Park. It will be the Local Development Plan for 5 years from 2015 to 2020.

3. A Main Issues Report for the LDP was published for consultation between September and December 2011. The comments on the Main Issues Report informed the development of a Proposed Local Development Plan that was published for consultation between April and July 2013. The CNPA then sent the plan and unresolved issues to the Department of Planning and Environmental Appeals (DPEA) who undertook an Examination of the Plan between February and September 2014. The CNPA received the DPEA Report on the Examination of the Proposed Cairngorms National Park LDP on 8 September 2014.

4. On 21 November 2014 the CNPA Planning Committee approved the modifications to the proposed LDP and the publication of Notice of Intention to Adopt the Plan. Notice was given through press notices, the CNPA website and direct contact with people who had made representations on the Plan and on 5 December 2014 the Proposed LDP (as modified) and other necessary documents were sent to Scottish Ministers.



Scottish Ministers' Direction

5. On 24 February 2015 the CNPA received notice of a Direction from Scottish Ministers under Section 20 (5) of the Town and Country Planning (Scotland) Act 1997. The direction is to amend the Proposed LDP (as modified) so that the housing allocation H1 at Carr-bridge is amended to reflect the boundary of the H1, Carr Road allocation and the capacity of 72 units as indicated within the Proposed Local Development Plan of April 2013. The CNPA cannot adopt the Plan unless the direction is followed or Ministers withdraw it. The letter setting out Scottish Ministers' direction is included as Appendix 2. The changes set out in the Ministers' direction are the only changes that can be made to the Plan.
6. The direction from Scottish Ministers reverses the modification approved by the CNPA Planning Committee on 21 November 2014 in relation to the Carr-bridge H1 allocation. The modification made by CNPA at that time was a direct result of a recommendation in the DPEA Examination Report to reduce the size of the allocation and capacity of the site from 72 to 36 units. The Planning Committee considered the modification in detail because there was a factual error in the DPEA report, where an extant outline planning permission was assumed to have lapsed by the Reporter. The CNPA's legal advice was and remains that the CNPA had no option but to make the modification as there were no grounds for declining to follow the recommendation.

Supporting Assessments

Habitats Regulations Appraisal

7. The changes made through the Ministers' direction do not affect the conclusions reached by the CNPA in its Habitats Regulations Appraisal (HRA). The HRA record, considered by the CNPA Planning Committee on 21 November 2014 and published with the Notice of Intention to Adopt the Plan on the CNPA website, remains up to date. The HRA concludes that the Plan will not adversely affect the integrity of any European site.

Strategic Environmental Assessment

8. The changes made through the Ministers' direction do not affect the conclusions reached by the CNPA in its Strategic Environmental Assessment (SEA). The Environmental Report, considered by the CNPA Planning Committee on 21 November 2014 and published with the Notice of Intention to Adopt the Plan on the CNPA website, remains up to date.

Board Adoption of the LDP

9. The Board are asked to adopt the proposed Cairngorms National Park Local Development Plan (as modified) and as directed by Scottish Ministers - attached at Appendix I. Once adopted, the Plan is formally constituted as the Local Development Plan for the Cairngorms National Park. It will be referred to as the 'Cairngorms National Park Local Development Plan 2015' from that point on.

Next steps

10. Following adoption the CNPA will:
 - a) Send two copies of the LDP to Scottish Ministers;
 - b) Publish it in paper form and electronically;
 - c) Place copies in public libraries;
 - d) Notify people who made representations on the Proposed Plan of its publication and its availability in public libraries; and
 - e) Advertise the LDP publication and availability in local newspapers.

Supplementary Guidance

11. The LDP has Supplementary Guidance that accompanies the Plan. The Guidance has been reviewed and the Planning Committee will be asked to consider and approve it on 17 April 2015. The process to adoption of SG is similar to that of the Plan itself. The planning authority must send the SG that it intends to adopt to Scottish Ministers for consideration for a period of 28 days before it can be adopted. Ministers have a power to extend their consideration period and to direct changes if they consider it necessary. Following the 28 day or extended period, the CNPA can adopt SG if Ministers have not directed otherwise.

LDP Action Programme

12. The LDP will be supported by an Action Programme that sets out how the Plan will be delivered. A proposed Action Programme was published with the Proposed LDP in 2013 and requires to be adopted within three months of adoption of the LDP. The CNPA Planning Committee will be asked to approve the first LDP Action Programme on 12 June 2015.
13. The Action Programme will provide a strong focus on delivery over the life of the LDP. Officers have established a small group of senior staff from the public sector agencies of the full National Park Partnership to coordinate delivery of the LDP Action Programme. The Groups will also contribute to the next National Park Partnership Plan for 2017 and the subsequent LDP for 2020.

Development Plan Scheme

14. The CNPA must publish (at least annually) a Development Plan Scheme that sets out our programme for preparing and reviewing the LDP. The Development Plan Scheme was last updated in April 2014 and the Planning Committee will be asked to approve the next Scheme, setting out the broad timescales for the next LDP on 17 April 2015.

Raising Awareness of the new Local Development Plan

15. The planning team are building a programme of meetings with key stakeholders and users of the Local Development Plan over the first part of 2015. This includes meetings with partner local authorities and their planning officers, with networks such as the Developers Forum and Community Representatives Planning Network.

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