
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: Adoption of Cairngorms National Park Local Plan

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Purpose

This paper seeks the Board's formal resolution to adopt the Cairngorms National Park Local Plan.

Recommendation

That the Board

- a) Notes that Scottish Ministers have given notification that Cairngorms National Park Authority may proceed to adopt the Cairngorms National Park Local Plan, as modified;
- b) Adopts the Cairngorms National Park Local Plan, as modified, and agrees that the Plan shall become operative on 30th October 2010;
- c) Agrees to work proceeding on the necessary steps to advertise the adoption of the Cairngorms National Park Local Plan, as modified;
- d) Notes that as part of the adoption procedures, under Section 238 of the Town and Country Planning (Scotland) Act 1997, a six week period is available for any person to make a legal challenge through the Court of Session.

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 previous agreement by CNPA Planning Committee on 20th August 2010 to make no further changes to the Local Plan formal notices have been published and Scottish Ministers informed of our intent. CNPA are now free to proceed to formally adopt the Local Plan, after which date it will replace the Local Plans of the 4 constituent Local Authorities (excluding Perth and Kinross). Formal notices of adoption will be published in accordance with the appropriate regulations.

ADOPTION OF CAIRNGORMS NATIONAL PARK LOCAL PLAN – FOR DECISION

Background

1. The process of preparing and consulting on the Local Plan commenced in September 2004 with a consultative draft plan. Following a series of public consultations the Plan saw 3 sets of changes to that plan, all of which were subject to further consultation. This process culminated in all outstanding and unresolved objections to the Plan being considered by Scottish Government Reporters at a Local Plan Inquiry in June 2009.
2. Following receipt and consideration of the Reporters Report a further set of Post Inquiry Modifications were published and consulted on in May 2010. The CNPA Board agreed in September 2010 that no further changes should be made to the Plan following this period of consultation and the final stages to formally move towards adoption have been undertaken. Formal notices have been published as required, and Scottish Ministers informed.
3. No further changes are proposed and Scottish Ministers have confirmed that CNPA can proceed to adopt the Local Plan without further amendment.
4. This paper sets out the final stages required to complete the adoption process, and the next stages to implement the Local Plan. It is not appropriate at this final stage to repeat the Authority's position regarding its response to the Reporters Recommendations, or to revisit discussions that have already formed part of the Local Plan Inquiry.

Adoption of the Local Plan – Next Steps

5. The procedure to formally adopt the Local Plan are set out in The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008 which came into force on 28th February 2009. Under this legislation the CNPA formally advertised its intention to Adopt the Local Plan in local press.
6. In addition, as required under Regulation 38(2) of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983, a certified copy of the Local Plan, as modified and statements in response to objections was submitted to Scottish Ministers together with confirmation that the Authority has complied with Regulation 38(1). Scottish Ministers have now indicated that CNPA may proceed to adopt the Local Plan, as modified.
7. In order to fulfil the relevant statutory requirements at the earliest possible date the Authority must formally resolve to adopt the Plan and confirm that the operational date of the Plan be 30th October 2010.

8. In addition to this formal resolution, there are a number of steps which require to be undertaken to comply with Regulation 39 of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. These are:
 - a) Notice by advertisement in the Edinburgh Gazette, and Local Newspapers;
 - b) Serve notice on any person who has asked to be notified and other persons the Authority think appropriate;
 - c) Send to Scottish Ministers two certified copies of the adopted Local Plan;
 - d) Make copies of the plan available. Copies of the Plan will be available at the Local Authority offices, and our own offices in Grantown on Spey and Ballater. In addition all documents relating to the Local Plan and the adoption process are available on the CNPA website.

9. Implementation of the above will complete the Authority's obligations under the regulations. However, from the date of first advertisement, under Section 238 of the Town and Country Planning (Scotland) Act 1997, a six week period is available for legal challenge to the Local Plan through the Court of Session. The Plan will be fully operational during this period unless wholly or partially suspended by Court Order.

Implementation of the Local Plan – Next Steps

10. On adoption it is important to embed the adopted Local Plan in the work of both the Authority and the constituent Local Authorities. Work on this has already commenced, with discussion with the relevant officials. Briefing notes will be provided to the Local Authorities to ensure that planning committee members are clear on the use of the Plan once adopted. This will help to ensure a consistent approach for both those applications called in by CNPA, and those determined by the Local Authorities.

11. A programme of training events will also commence to ensure that those who are implementing the Local Plan are clear on its key messages. To date the topics suggested for such training include the approach to development within the landscape, and the provision of affordable housing. Training will be for both officials and applicants.

12. A process of monitoring will also begin, looking at the way policies are used in the decision making process. It is intended to bring an annual monitoring report to the Board to inform members of the progress being made in implementing the Local Plan. This information will also form part of the evidence base for the Local Development Plan.

13. It is important to bear in mind that this Local Plan, while replacing the Local Plans of the original 4 constituent Local Authorities, will not hold any jurisdiction in the recently included area of Perth and Kinross. Within this part of the Park the Perth and Kinross Local Plans covering this geographical area will continue to be the adopted Local Plan. This anomaly will be addressed in the work ongoing to progress the Local Development Plan.

Conclusion

14. In conclusion, the adoption of the Cairngorms National Park Local Plan is a major milestone and together with the relevant Structure Plans (and Local Plans for Perth and Kinross) provides the statutory Development Plan framework for the consideration of development proposals and the assessment of planning applications.
15. Although the Plan will become operational on 30th October 2010, a six week period is available for legal challenge and only on conclusion of that period will the adoption process be fully complete. The Plan will however be fully operational during this period unless it is wholly or partially suspended by Court Order.

Recommendation

16. **That the Board**
 - a) Notes that Scottish Ministers have given notification that Cairngorms National Park Authority may proceed to adopt the Cairngorms National Park Local Plan, as modified;
 - b) Adopts the Cairngorms National Park Local Plan, as modified, and agrees that the Plan shall become operative on 30th October 2010;
 - c) Agrees to work proceeding on the necessary steps to advertise the adoption of the Cairngorms National Park Local Plan, as modified; and
 - d) Notes that as part of the adoption procedures, under Section 238 of the Town and Country Planning (Scotland) Act 1997, a six week period is available for any person to make a legal challenge through the Court of Session.

Consultation

17. 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.

Policy Context

18. 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

19. 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

20. The constituent Local Authorities will 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.

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