
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: APPROVAL TO MODIFICATIONS TO DEPOSIT LOCAL PLAN

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Purpose

To formally approve the modifications to the Cairngorms National Park Deposit Local Plan and agree the next steps for consultation.

Recommendations

That the Planning Committee:

1. Formally approve the Modifications to the Deposit Local Plan and the associated publicity associated with modifying the Deposit Plan.

Executive Summary

The Cairngorms National Park Authority has a duty to prepare Local Plans for the Park and has been engaged in Local Plan preparation since September 2004. The Deposit version of the Local Plan was published for consultation on 9th July 2007 and following an excellent response, modifications are now proposed to take into account comments received. The modifications reinforce the role the Local Plan has to play in contributing to the coordinated delivery of the aims of the Park and the National Park Plan.

This paper asks the Planning Committee to approve the publication of the modifications to the Local Plan and carry out further formal consultation in order to continue its development.

APPROVAL TO DEPOSIT LOCAL PLAN - FOR DECISION

Background

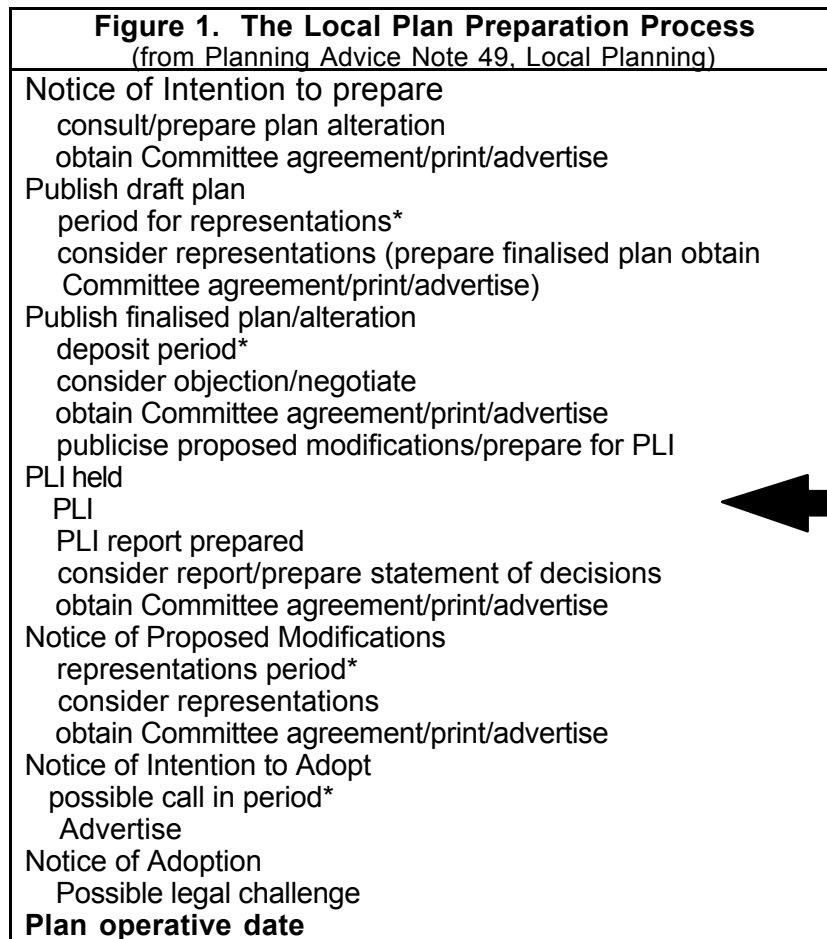
1. The Cairngorms National Park Authority was established in September 2003. The Designation Order for the Park (S.S.I. 2003/1) conferred the duty to prepare Local Plans under the Town and Country Planning (Scotland) Act 1997 to the Park Authority. The National Park Authority publicised its intention to prepare the Local Plan in September 2004.
2. The Local Plan was placed on deposit following public consultation and discussions with stakeholders and partners. Commencing on 9th July 2007 for a period of 12

weeks, this deposit period generated an excellent response, with 477 respondents raising 1551 separate issues or objections. Each policy and settlement attracted some level of comment ranging from single objections to particular wording, to numerous comments on particularly contentious issues.

3. Key issues raised included the need to clarify the relationship between the planning process and the 4 aims of the Park, and this has resulted in a reassessment of Policy 1, against which all development proposals will be judged. The need to re-evaluate the National Park Authority stance on the best way to achieve the strategic aim of providing affordable housing in meaningful qualities was raised by many and as a result the approach to on site requirements has been amended to take account of consultants findings. The need to provide opportunities for local people, using local builders, to build homes in areas to meet their needs was also raised and has resulted in a reassessment of the approach to housing both within and outwith settlements. Regarding the economy of the Park key modifications relate to providing additional guidance on opportunities, and a review of the proposals maps has been undertaken as a result.
4. All modifications come as a result of weighing up the comments made, which have in many cases been varied and diverse. Where necessary discussions have also assisted in clarifying objector's positions, and highlighted key areas of concern. The modifications also take into account updated information and emerging national guidance. Two key areas here have been the completion of the consultants work on affordable housing in the Park, and also emerging policy guidance from the Scottish Government regarding carbon emissions.
5. The Local Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. Revisions to this as a result of the proposed modifications continue, and on agreement of the modifications the SEA and its environmental report will also be updated. This process of updating and review will continue throughout the further development and implementation of the Local Plan.
6. In addition work will continue to ensure that appropriate account is taken of the impact of the Plan on European sites under the Appropriate Assessment process. Working with colleagues in SNH, this work will review the policies and modifications and the impact they have on the designated sites and species. This assessment must be complete before the Local Plan can be adopted.

Modifications to the Deposit Local Plan

7. The Local Plan as amended has been prepared under The Town & Country Planning (Scotland) Act 1997. Figure 1 below illustrates the stages in the Local Plan preparation process and the arrow points to the stage we are at.



8. The modifications to the Deposit Local Plan is an important stage as it allows consideration of refinements to policies and proposals and provides a further short period of consultation on these changes. A minimum period for consultation on these modifications is to be 6 weeks running from 16th June 25th July

9. If the Committee agree to the content of the modifications, its publication and the necessary further consultation, the document will be further proofed, the amendments to the SEA environmental report finalised and all parts placed on the National Park Authority web site for public view. All objectors will also be notified of the commencement of the formal period of consultation. We have already contacted all objectors to highlight the changes that have been proposed in today's report as a result of the deposit phase.

10. The decision of the Planning Committee to commence publication and consultation will need to be formally ratified by a decision of the Board.

Recommendation

11. **That the Planning Committee formally approve the modifications to the Deposit Local Plan, and the associated publicity associated with modifying the Deposit Plan.**

The Local Plan as a material consideration

12. The Local Plan becomes a material consideration in determining planning applications once it is on Deposit. This means that it can be used with the existing Local Plans and other material considerations (such as the National Park Plan) to determine planning applications in the Park.
13. As the deposit Plan attracted objections to all policies and settlement proposals, it could be given very little weight as a material consideration. However, on completion of the next stage of consultation, it is hoped that the modifications will resolve many of the objections raised, and greater weight can therefore be given to policies at that stage which have no outstanding objections. If this is considered to be possible, a further report will be brought to Members seeking agreement to those sections of the plan that can be used in decision making. Decisions based wholly or largely on the modified Local Plan will need to be clearly justified as appeals may be based on the fact it is not an adopted Local Plan.
14. However, taken together, the combination of the approved and adopted National Park Plan and the refined and modified Local Plan (which is intended to deliver key parts of the Park Plan) as material considerations will change the context for planning decisions in the Park and will start to deliver the planned and coordinated delivery of the aims of the Park through the planning system.

Implications for Partners and Stakeholders

15. The publication and deposit of the Local Plan has implications for many of our partners in delivery and other stakeholders. There are implications for all developers in a new planning policy framework, and the Deposit Local Plan places an emphasis on developers providing sufficient information, adapting to sites and designing sensitive schemes. Some of the requirements will have financial implications.
16. The Local Authorities in particular are affected by the Local Plan as a material consideration in development management. This requires a level of staff awareness, training and adaptation to ensure that the Plan is used and interpreted consistently by individual officers and planning committee members across the local authorities and Park Authority. As the main public service delivery organisations in the park area, the local authorities may also find other new implications for service delivery from the Local Plan. The proposed mechanisms for securing additional affordable housing and developer contributions, for example, will have implications for procedures and working practices.

Financial Implications for the Park Authority

17. The budget for publication and consultation on the Local Plan is planned for in the operational plan.

Presentational Implications

18. The modifications to the Local Plan is an important stage in moving towards an adopted Plan and it is important that we help people to continue their effective involvement in the process as it continues through what is a very formal stage.
19. The purpose of the modifications is to allow people to object to the proposed changes, or, where their original objection has not been included as a modification, to maintain their position. This stage is not an opportunity to revisit parts of the Plan which did not attract objection during the Deposit stage. All objections to the

modifications will have to be taken into account as the Plan moves closer to adoption. The National Park Authority has an important role in helping communities and individuals comment and object as effectively as possible. Officers will therefore continue their work in helping objectors through the complex process.

Next Steps

20. Subject to the Planning Committee agreeing the recommendations of this paper the next steps will be:
 - a) To make any further modifications to the plan that are agreed by the Planning Committee, further proof the text and check the consistency of the document;
 - b) Finalise the review of the Environmental Report of the SEA which supports the Local Plan;
 - c) Contact all objectors to the Deposit Plan to clarify the next steps in the process, and assess their views on the modifications;
 - d) Secure formal ratification of the Planning Committee's decision by the Board
 - e) Subject the modifications to the Local Plan to a six week period of consultation commencing on 16th June until 25th July 2008.
21. Following this six week consultation, the National Park Authority will assess the responses, and identify those policies and proposals which, having no outstanding objections, can be given greater weight in the decision making process.
22. Where objections are maintained, or new objections raised as a result of the modifications, the necessary steps will be taken to determine if a Local Plan Inquiry will be required, and contact the Scottish Government's Directorate for Planning and Environmental Appeals to arrange for a Reporter to consider the outstanding issues.
23. The SEA of the Local Plan will continue throughout this process. The associated but separate assessment of the potential effects of the Plan on NATURA interests will also be continued. This must be completed before the Local Plan can be adopted in order to comply with Article 6 of the Habitats Directive.

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