

February 2011

Cairngorms National Park Local Plan Legal Challenge

Background

- The Cairngorms National Park Local Plan was adopted by the Board of the Cairngorms National Park Authority (CNPA) on 29 October 2010.
- The Plan replaced the local plans covering four of the local authority areas within the Park: Aberdeenshire, Angus, Highland and Moray but not Perth & Kinross.
- From the notice of adoption, which appeared in the Edinburgh Gazette on 8 November 2010, there was a six week period during which aggrieved parties could apply to the Court of Session to question the validity of the Plan on the grounds that it was outwith the powers of CNPA, or that the requirements of the existing legislation had not been complied with.
- Challenges to an adopted local plan are made on points of law under section 238 of the Town and Country Planning (Scotland) Act 1997, the grounds being that the plan is outwith the powers conferred by the relevant legislation, including the Town and Country Planning (Scotland) Act 1997, The National Parks (Scotland) Act 2000 and the Nature Conservation (Scotland) Act 2004, or that the requirement of the legislation or the relevant regulations have not been complied with during the preparation or adoption of the plan.
- One appeal was submitted to the Court:
Badenoch and Strathspey Conservation Group: the Cairngorms Campaign and the Scottish Campaign for National Parks have jointly appealed on a number of grounds, including the contention that CNPA have not paid sufficient regard to the aims of the Park, and have cited various housing allocations set out in the Local Plan to expand their arguments

Effect of Challenge

- The challenge does not prevent the CNPA from determining planning applications.
- Anyone applying for planning permission should continue as normal.
- The Local Plan still stands.
- The fact of the legal challenge will be a material consideration for planning applications determined while the case is outstanding.

Timescales

- The CNPA's lawyers and staff are working to clarify the arguments and have submitted initial responses.
- There will then be an adjustment period during which the appellants and CNPA can lodge further arguments. The period of adjustment is set by the Court and has yet to be finalised.
- The appeal will be heard by the Court in late 2011 or early 2012. The appeal date is set by the Court.

Links

The Cairngorms National Park Local Plan can be viewed at:
www.cairngorms.co.uk/planning/localplan

Contact

This fact sheet will be updated as the case progresses. For further information, please contact:

Karen Major

Development Plan Officer

Tel: 013397 53602

Email: karenmajor@cairngorms.co.uk