

Response by the Cairngorms National Park Authority to the Independent Review of Planning, November 2015

CNPA welcomes the opportunity to respond to the Review of Planning and wishes to focus on 4 areas:

1. Planning system in the Cairngorms National Park
2. Housing delivery
3. Infrastructure
4. Community Engagement

I. Planning System in the Cairngorms National Park

The aims of National Parks are set out in the National Parks (Scotland) Act 2000 as is the power to have National Park Authorities as planning authorities¹. The planning system in the Cairngorms NP is unique in Scotland and is based on an approach whereby CNPA prepares the National Park Partnership Plan (the strategic management plan for the Park) and the Local Development Plan, both plans on a five year cycle. CNPA and the five local authorities share the development management and enforcement functions. CNPA “calls in” only the most significant applications to the aims of the Park (i.e. generally around 10-12% of the applications) with the remainder determined by local authorities. The Cairngorms National Park Designation Order only transfers certain planning powers to the CNPA².

In order to make the arrangements work as effectively as possible a Cairngorms Planning Protocol was drawn up between the six public bodies – available on request. Since designation, CNPA has worked well with the relevant local authorities to make the arrangements work as effectively as possible. The arrangements have been improved over the years by, for example, clarifying the “call in” categories and delegating the “call in” function to staff.

However, the current system is challenging in a number of practical respects, summarised as follows:

- a) *Public understanding*: Despite the best endeavours of all parties there is continued uncertainty and a degree of confusion amongst applicants, consultees and others about which organisation is dealing with which applications and why.
- b) *Legislative set up*: The Cairngorms National Park Designation Order 2003 sets out the planning powers that the CNPA has. These are limited and mean that:
 - i. Validation of planning applications are carried out by the relevant Local Authority;
 - ii. Pre-application advice is provided by the Local Authority with CNPA input even on those applications where the CNPA will always ‘call-in’ i.e. major applications. The ‘call in’ process is designed to work from the point at which an application has been made. With the emphasis on pre-application discussion and early dialogue about processing agreements, the arrangements in the Cairngorms are increasingly challenging to make work effectively.
 - iii. CNPA can only claim fees under a voluntary arrangement negotiated as part of the Planning Protocol. The local authorities pay to CNPA 60% of the fees for those applications that are “called in”. This does not cover CNPA costs and the balance to run the CNPA Planning Service has to come from central government funding as part of CNPA grant in aid.
 - iv. The CNPA does not have the powers to delegate to officers under the Planning Act.
 - v. The CNPA does not have the power to set up a Local Review Body and all “called in” applications that are subject to appeal go to DPEA direct.
 - vi. The new prior notification arrangements for private ways and tracks are difficult to make work within the ‘call-in’ system.

¹ <http://www.legislation.gov.uk/asp/2000/10/section/10>

² <http://www.legislation.gov.uk/ssi/2003/1/article/7/made>

Recommendation to the Independent Review of Planning – There is potential for a more streamlined approach to planning in the Cairngorms National Park. The CNPA would welcome a review of the current system and the potential for the CNPA to become the full Planning Authority for the National Park as Loch Lomond and the Trossachs National Park Authority is for that area.

2. Housing Delivery

The delivery of affordable housing is one of the most pressing issues in the National Park. The current models of market-driven housing delivery contribute to shortages of affordable housing and mid-market housing in rural areas with lower wages. In attractive parts of Scotland such as the Cairngorms, there is high demand for second homes and investment properties and this makes most housing unaffordable for local people. In the Cairngorms house prices are around 130% of the national average and wages are around 75% of the national average.

Origins of House buyers in Badenoch and Strathspey

- Between 2003 and 2012 the origin of house buyers within Badenoch & Strathspey was 45% from outwith the Highland Council area.

Second Homes / Holiday Homes

- In 2013, ineffective stock as second homes or vacant dwellings in the National Park was at 17% of overall dwellings (or 1700 out of 9950 dwellings). In Nethy Bridge this is as high as 22%.
- Residential properties paying non-domestic rates (i.e. holiday homes) are also significant in the Park numbering around 363 in Badenoch and Strathspey in 2015.
- Over 50% of houses in some newer developments have been sold as holiday/second homes

The issue of housing delivery cannot be resolved through the planning system alone. There is a need to build the right houses on allocated land that meet local needs.

Recommendation to the Independent Review of Planning

- Planning authorities need to have more influence over the size and tenure of housing built. This would then be reflected in the land price.
- There needs to be closer integration of housing and planning policy to deliver the right houses for local need.
- Consideration should be given to greater taxation of second homes or properties that are under occupied to both raise funds for investment in affordable housing and add a disincentive to second home ownership

3. Infrastructure

The cost of infrastructure to service sites, especially for smaller scale sites in rural areas, is often prohibitive for development. If we want to see incremental development of villages and towns that meets the needs of local communities and is usually acceptable to local communities we need to have a mechanism that allows for sites to be opened up slowly so that we do not get 50 or 100 houses being proposed on village edges only because the initial infrastructure costs are so high. This usually leads to conflict as most communities would welcome incremental development but few welcome developments that are viewed as changing the character of the locality.

Recommendation to the Independent Review of Planning – Develop an infrastructure package to open up sites to incremental development over time that allow villages and towns to grow organically.

4. Community Engagement

Community engagement is central to the National Park and the system that has been established in the Park should be considered best practice as part of the review of planning. Each community has their own Action Plan that sets out their priorities. These are reviewed on a regular basis and provide a foundation for the Local Development Plan.

The role of Community Councils and Associations is particularly important as statutory consultees and consideration should be given to how Community Councils can become more engaged in the planning process and also engage their communities in crucial decisions about their localities.

<p>Recommendation to the Independent Review of Planning – Community Action Plans that set out their aspirations for the development of their localities should be part of the Local Development Plan system in Scotland.</p>

CNPA

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