
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: Analysis of Reporters Recommendations and Post Inquiry Modifications of the Local Plan

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Purpose

This paper seeks the Board's formal agreement of the analysis of the Recommendations made by the Reporters to the Local Plan, considered at the Local Plan Inquiry, and the Board's formal agreement to carry out formal consultation on the Post Inquiry Modifications which come as a result of this analysis.

Recommendations

That the Board:

- a) **accept the analysis of the Reporters Recommendations appended to this report.**
- b) **accept the post inquiry modifications to the Local Plan and agree the commencement of the period of consultation (24th May – 2nd July 2010).**

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 close of the Local Plan Inquiry in June 2009, the Authority is now in receipt of the Reporters Recommendations. The report sets out the full analysis of the Reporters Report which sets out their reasoning, conclusions and recommendations; the CNPA decision on those recommendations; any Post Inquiry Modifications which have come about as a result of that analysis; and the next steps in the process.

REPORTERS REPORT – CNPA ANALYSIS AND POST INQUIRY MODIFICATIONS - FOR DECISION

Background

1. The Board will be aware of the procedures and stages of the Local Plan process which have been followed to date, leading more recently to the Local Plan Inquiry held in May and June 2009. The Reporters set out their conclusions and recommendations on the merits of each objection in accordance with the procedures 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.
2. The Cairngorms National Park Authority (CNPA), in accordance with the note of the Pre Inquiry Meeting is bound to set out its response to each of the recommendations, giving its reasons for accepting or rejecting it. The analysis is set out in Section 1 of the Appendix accompanying this report.
3. Any further modifications to the Local Plan which the CNPA considers appropriate to address the analysis and decisions must be publicised with a further period of consultation. These Post Inquiry Modifications are set out in Section 1 and 2 of the Appendix.
4. Section 3 of the Appendix also provides Board members with a copy of correspondence received by the Authority following receipt of the Reporters Report and its publication on the CNPA web site. These are for information purposes only.

Analysis of Reporters Recommendations – key messages

5. The Reporters report follows the format of the Local Plan. This report sets out the key conclusions and modifications for each section of the Local Plan. These are overarching comments and must be read together with the full analysis provided in the Appendix.

General Issues

6. In considering the introductory sections to the Local Plan, the Reporters give their support to the Local Plan vision which is taken from the National Park Plan. The Local Plan sets out a number of guiding principles which provide a framework for the future of the National Park. The support for the vision and these guiding principles is welcomed. The Reporters also give welcomed support for the National Park Plan and clarify how it fits into the planning and decision making process. Whilst there has always been agreement that the National Park Plan provides the overarching context for development planning and management within the National Park, the Reporters have clarified that the National Park Plan is to be seen as the superior strategic document. It provides a set of strategic objectives and the policies of the Local Plan must be framed in a way that conforms to those.
7. Members can therefore expect in the future to see a greater emphasis placed on the strategic objectives of the National Park Plan, and a more detailed assessment of how developments fit against those, as well as how they might fit against the Local Plan policies.
8. Members will see as a result of this clarity on the role of the National Park Plan, post inquiry modifications propose the deletion of an overarching policy against which all applications for development would be judged. With the National Park Plan providing the overarching strategic position for all developments, Policy 1 is considered to be redundant. Instead all decisions in the future will be closely assessed against the strategic objectives of the National Park Plan.

Conserving and Enhancing the Park

9. The policies set out in the Conserving and Enhancing the Park section of the Local Plan deal primarily with issues relating to natural and cultural heritage, and use of resources within the Park. Throughout this section, the Plan has been devised in a way to offer an appropriate level of protection, ensuring all developments meet with the first and second aims of the Park. The policies are phrased to presume in favour of protection, with criteria setting out the standards to be reached to allow development to proceed.
10. The Reporters, in their conclusions, support this approach which sets out clearly the policies which address, primarily, the first and second aims of the Park. Although Members will see some proposed modifications to the wording of these policies, their underlying aims remain the same. CNPA welcomes the support for an approach which recognises the special natural and cultural heritage found in the Park, and the need for robust policies which offer an appropriate level of protection. This includes the landscape of the Park. All developments should make a positive contribution to the landscape character of the Park, through design and setting. This sets clear standards within the Park that are above those that one would expect to find outside such a national designation. The CNPA will prepare guidance to help demonstrate how this may be achieved prior to the final adoption of the Local Plan.
11. The protection of the finite resources found in the Park is also recognised by the Reporters as important, and worthy of special protection against adverse or inappropriate development. Specific conclusions are made in respect of soils, minerals, water, and energy. Whilst all policies see some modification, the underlying aim, to protect the precious resources of the National Park, remain at their heart.

Living and Working in the Park

12. The policies set out in the Living and Working in the Park section of the Local Plan deal with issues relating to housing and employment, and the standards of design to be achieved. These policies primarily support the second and fourth aims of the Park and are generally phrased in a way to support appropriate development which meets these aims.
13. The Reporters in considering the objections to this section of the Plan looked specifically at employment and housing land in general terms before considering specific policies and their wording.
14. The Reporters conclusions made regarding employment land find a need to strike an appropriate balance between growth, in support of the fourth aim, and protection to meet the first and second aims. CNPA had, in the Deposit Local Plan, taken a policy based approach rather than identifying specific sites for growth and investment. In this way CNPA had set in place a methodology to assess development applications against criteria so ensuring appropriate forms of development occurred. Whilst the Reporters accepted the policies, subject to some minor amendment, they considered there to be a need for additional research into need for land to support the economy. Following this approach will better place CNPA to guide development to areas which support the strategic objectives of the National Park Plan, and so facilitate a more proactive approach to guide the economy of the Park in the future. CNPA has commenced more detailed research into all aspects of the economy as it exists in the Park already and will build on this work to provide a more proactive approach is possible in the future.
15. The conclusions regarding housing land supply conclude that the tables which set out the need for housing, and land to support that need, were unclear and did not set out adequately the overall need for all forms of housing. CNPA established, at an early stage in the development of the Local Plan, affordable housing as one of the biggest

challenges facing communities across the Park. To address this need head on, the Local Plan established a housing land requirement intended to maximise the amount of affordable units to meet this need. In line with government guidance, and in accordance with the strategic objectives of the National Park Plan to increase supply and accessibility to more affordable and sustainable housing, flexibility was built into this requirement. This flexibility was intended to secure as many affordable units as possible when open market housing was being developed. CNPA accept that in trying to address the issue of affordable housing through the supply of housing land, the calculations for an overall housing land supply were unclear, and in the post inquiry modifications revised tables are set out. CNPA however remains fully committed to the provision of affordable housing, and the need to provide housing to meet local need. This remains a strategic objective of the National Park Plan. Drawing these matters together with those made specifically on the policy for affordable housing, CNPA is satisfied that the case made for affordable housing is supported by the Reporters, and in moving forward, the policy approach will secure more units to meet the needs of communities.

16. In their conclusions made to Policy 21 (Affordable Housing), the Reporters support the underlying approach set out, with virtually all housing developments, regardless of scale, contributing in some way to the provision of affordable housing. Although CNPA agree that some further work could provide additional information to refine the approach to the provision of affordable housing, the support for this policy position, together with a requirement beyond the national benchmark of 25% is a welcome recognition of the particular problems faced by communities in the Park.
17. The Reporters go on to support the underlying aims of other policies which assess housing developments, and their original aim remains as originally intended. The settlement hierarchy which encourages the majority of development to occur in strategic settlements, with policies setting out the criteria developments must reach in all situations is also supported in general by the Reporters. Modifications are made to all policies, but again, their underlying aims remain.
18. The policies setting out the approach on employment developments are supported by the Reporters in general terms. Whilst some modifications are proposed, the Reporters agree that the criteria based approach provides a suitable policy framework for the assessment of development proposals.
19. Other policies within this section of the Local Plan set out the approach to achieve improved design standards, reduction in carbon emissions, transport and communications, and waste management. The Reporters support the overall approach, including the use of a design guide to raise the standards of all design. The Reporters also support the requirement for developers to make a contribution, where appropriate, as a direct result of the impact of the proposed development, and to the use of legal agreements to secure such contributions.

Enjoying and Understanding the Park

20. The policies in the Enjoying and Understanding the Park section of the Local Plan deal with tourism, access and recreation. The policies support appropriate development which supports, in the main, the third aim of the Park. The Reporters, subject to some modification, support the approach taken in these policies.

Settlement Proposals

21. The section of the Local Plan which sets out the proposals for site allocations in settlements has an introduction describing the settlement hierarchy and explaining the way in which the proposals maps should be used. The Reporters support the approach but do suggest further work involving communities would clarify how settlements fit within this hierarchy and how a settlement might rise up the hierarchy. This work will form part of the ongoing community action planning work and engagement and consultation on the next National Park Plan.

Strategic Settlements – key modifications

An Camas Mor

22. Looking in detail at the strategic settlements, the Reporters do not accept the need for the proposed new settlement of An Camas Mor. CNPA are however content that the new settlement supports the strategic objectives of the National Park Plan. The settlement is also included as a commitment in the current adopted Highland Structure Plan. The Reporters agree that Aviemore itself does not have capacity to accommodate further growth, having reached its natural limits. CNPA remains committed to An Camas Mor to provide a long term growth opportunity for this part of Badenoch and Strathspey, which will help meet the future needs of the area beyond the life of this Local Plan. The Reporters agree with the Development Principles adopted by CNPA and suggest these should be explicitly included within the Local Plan. CNPA welcomes this suggestion and these are included as an appendix to the Plan through the post inquiry modifications

Aviemore

23. Aviemore has seen considerable new development in recent years and the Reporters conclude that it needs no more housing land other than that included within this Plan. They give their support to the economic land included in the Plan, but do suggest further work is needed to refine the approach to employment land identification and allocation to meet the long term needs of communities in the Park. This work will be carried out across the Park rather than focusing on any one settlement. Subject to some modifications the proposals in Aviemore remain as in the modified deposit Local Plan.

Ballater

24. Ballater is the only strategic settlement in the east of the Park, and the Reporters agree that housing development on the allocated site, in the main, promotes the strategic objectives of the National Park Plan. They find no site specific factors which rule out the site for consideration as a housing allocation, and conclude that the site can be considered as being effective in the life of the plan. They also support the use of masterplan as an appropriate way forward for the development of the site.
25. The Reporters do express concern about the approach to affordable housing and the allocation of land to meet that need. Whilst making specific comment on this in their assessment of Ballater, this is a Park wide issue which has been further analysed in the section on affordable housing and general housing land supply.
26. The Reporters suggest modified wording to set out more clearly what will be expected from any development on the site, and the post inquiry modifications to the Plan include this. The allocation however remains as in the modified Deposit Local Plan.

27. The Reporters go on to give their support to those parcels of land allocated for employment use and included in the modifications to the deposit plan.

Grantown on Spey

28. Looking first at the employment uses of land within Grantown on Spey, the Reporters give their support to the land identified.

29. Looking at the land identified in the Deposit Plan for housing, the Reporters conclude that H1 should be removed as an allocation. CNPA agree that as a result of the additional information which has come to light through the detailed consideration of a planning application on this site, the site is not effective, and so should be removed as an allocation. The tests of effectiveness can of course be reviewed in the future should any further information come to light. Subject to some modification the Reporters do support the allocation of H2 which will provide an opportunity for new development within Grantown on Spey within the life of this plan.

Kingussie

30. The site allocations for housing and employment in Kingussie are geographically linked and the Reporters consider both should be amended due of transport constraints. Both sites have been the subject of a recent masterplan planning application. As a result of work on this application the traffic issues faced by this site have been resolved and the application has now been approved. CNPA are therefore content that the site is effective and can be developed, in a phased way both to meet the needs of the community for the life of this plan and beyond.

Newtonmore

31. Newtonmore has two housing allocations which were considered by the Reporters. They support both sites, and subject to some modifications and the production of development briefs, these sites are retained in the Local Plan as in the modified deposit version. Regarding employment land, they suggest further work is needed to refine the approach to employment land identification and allocation to meet the long term needs of communities in the Park. This work will be carried out across the Park rather than focusing on any one settlement.

Intermediate settlements – key modifications

32. Intermediate settlements have been identified, within which developments should support local communities and ensure their sustainability for the future. The intermediate settlements listed are Boat of Garten, Braemar, Carr-Bridge, Cromdale, Dalwhinnie, Dulnain Bridge, Kincaig, Nethy Bridge and Tomintoul.
33. The Reporters considered the housing allocation in **Boat of Garten** and concluded, for a variety of reasons, that the site should be removed. CNPA agree that, in light of the natural heritage and landscape constraints, and the need to adopt a precautionary principle the site cannot be considered as effective, and should be removed from the plan. The boundary of the settlement will however remain the same, and the test of effectiveness can be reviewed in the future should any further information come to light.
34. The Reporters recommended that, in light of a variety of factors, housing sites in both **Carr-Bridge** and **Nethy Bridge** are not effective and should be removed. In both cases the sites in question have outline planning consent. CNPA does not therefore accept these recommendations and will retain these sites within the Local Plan.
35. In considering **Cromdale**, the Reporters consider, for a variety of reasons, the housing allocations should be removed, with new development focused instead on the sites contained in the current adopted local plan, and the site with existing permission. CNPA agree that the sites do not properly reflect the strategic objectives of the National Park Plan and should therefore be removed.

Conclusion on Analysis of Reporters Recommendations

36. In conclusion, CNPA welcomes the conclusions and recommendations made by the Reporters, and in setting out its analysis of them, is content that the Local Plan which is now being taken forward will provide the best possible framework for development across the National Park for the life of the Plan. The support for the Park as a designation and the focus placed on the National Park Plan, as the strategic guide to the Local Plan is a welcomed clarification.

Recommendation

37. **It is recommended that:**
a) **The Board accept the analysis of the Reporters Recommendations appended to this report.**

Post Inquiry Modifications

38. To address the accepted recommendations to the Local Plan, a series of post inquiry modifications to the Plan are necessary. These are set out in the Appendix to this report (text marked in blue). These modifications must be published and the opportunity given for objections to these changes to be made. The procedure at this stage is the same as followed previously to publicise the various modifications to the Plan.
39. Anyone may object or make representation in support of any of the post inquiry modifications, including the decision by CNPA not to accept any of the Reporters recommendations. Objections must relate only to the latest set of changes and cannot be lodged at this stage to the text of the deposit plan or its first and second modifications. The period for consultation is proposed to commence on the 24th May and run for a period of 6 weeks, closing in on the 2nd July.

Recommendation

40. **It is recommended that:**
a) **The Board accept the post inquiry modifications to the Local Plan and agree the commencement of the period of consultation (24th May – 2nd July 2010).**

Consultation

41. Members will be aware that 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. The outstanding objections were considered by the Scottish Government Reporters at the Local Plan Inquiry, held in May and June 2010, and this report comes as a result of receipt of the report into that Inquiry.

Policy Context

42. 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

43. The budget for publication, consultation 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.

Presentational Implications

44. This Report raises a number of presentational issues linked to the recommendations made by the Reporters, and how the CNPA take these into account when taking forward the Local Plan to adoption. It is therefore extremely important that in the consideration and analysis of the Reporters recommendations, the Authority is completely transparent in its reasoning, and that all Post Inquiry Modifications are fully consulted on. All objections and comments received to that consultation will be reported back to the Board for their consideration.
45. As part of the consultation process on the Post Inquiry Modifications all those with outstanding objections will be informed to highlight the commencement of the consultation process and to explain how they can get involved in this consultation process.

Implications for Stakeholders

46. The constituent Local Authorities who 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.

Next steps

47. Following the close of the period for consultation, CNPA must consider all of the submissions received and decide whether it is necessary to hold a further Local Plan Inquiry. A further Inquiry will only be required where the post inquiry modifications have generated objections on matters which have not already been considered by the Inquiry. A further inquiry would not therefore be required if a post inquiry modification has resulted from a recommendation made by the Reporters, unless there has been a material change in circumstances.

Timetable for consultation on post inquiry modifications and adoption of the Local Plan (assuming no representations received which would trigger a 2 nd Inquiry)	
Committee consideration of Analysis and reasoned justification of position taken	14 th May 2010
Publication and Consultation of Post Inquiry Modifications	24 th May 2010 – 2 nd July 2010
Consideration of representations made to Post Inquiry Modifications	July 2010 – August 2010
Committee consideration of representations received – assuming no requirement to hold a 2 nd Inquiry obtain Committee agreement to move to final stages	September 2010
Notice on Intention to Adopt (period for consideration Scottish Ministers and legal challenge)	September 2010 – November 2010
Committee resolution to adopt Local Plan and final printing of document for use	December 2010 – January 2011

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APPENDIX TO REPORT

Section 1 – analysis of reporters recommendations and post inquiry modifications to the Cairngorms National Park Local Plan – text

Section 2 – Post Inquiry Modifications to Cairngorms National Park Local Plan Proposals Maps and Designation Maps

Section 3 – Correspondence received regarding the Report for information