

CAIRNGORMS NATIONAL PARK AUTHORITY

**Title: ABERDEENSHIRE LOCAL PLAN –
RESOLUTION TO ADOPT**

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Purpose

This report seeks the agreement of Members to the adoption of the Aberdeenshire Local Plan in respect of the area within the Cairngorms National Park.

Recommendations

That Members of the Planning Committee support a recommendation to:

- 1. By resolution to adopt the Aberdeenshire Local Plan, as modified by that Council, in respect of that area of the Local Plan within the Cairngorms National Park with effect from 30 June 2006 and to make the plan operative from that date.**
- 2. To agree that Aberdeenshire Council instruct a Notice of Adoption of the Plan on behalf of both Authorities to be advertised in accordance with the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983.**
- 3. To agree that Aberdeenshire Council instruct the preparation of Supplementary Planning Guidance to identify the procedure that applications will be required to go through for any location in the vicinity of a Natura 2000 site, in consultation with Scottish Natural Heritage and Cairngorms National Park Authority.**

Executive Summary

The Aberdeenshire Local Plan (ALP) had been substantially prepared prior to the Park being established. The legal context of the CNPA planning function means that the Council cannot unilaterally adopt a local plan including any of the Park area unless the CNPA also adopts the plan. It was against this background that the Local

Plan Inquiry was held on behalf of both authorities, revisions having been made to the ALP to reflect the recent designation of the Park, and it is consequently necessary for both authorities to adopt the ALP. Once a Cairngorms National Park Local Plan has been adopted it will supersede the ALP within the Park. A recent European Court of Justice ruling required that the ALP, along with other local plans, be subject to Appropriate Assessment under the Habitats Directive. This issue has now been addressed, the Scottish Executive has given the go ahead to proceed with adoption, and the Infrastructure Services Committee of the Council resolved on 22 June 2006 to its adoption in similar terms to the recommendation in this report. A resolution from CNPA is the final step in the process.

Background

1. The Aberdeenshire Local Plan (ALP) will replace 3 existing local plans for the former administrative areas now covered by Aberdeenshire. It was placed on deposit in 2002, prior to the designation of the Park. Subsequently a variety of modifications were made to take account of the Park and there is a statement within the Plan that it will seek to contribute towards the 4 statutory aims.
2. As the CNPA has responsibility for local plans within the Park, it was necessary for both CNPA and the Council to take joint ownership of the Plan in this respect. Both authorities were consequently responsible for the Local Plan Inquiry in 2004/05 and both are required to formally adopt the Plan so that it can become fully effective.
3. Prior to adoption it was necessary to advertise a Notice of Intention to Adopt. Following a European Court of Justice ruling it was determined that an Appropriate Assessment was needed for any Plan affecting Natura Sites and the Scottish Executive had advised planning authorities that this would need to be done for all outstanding local plans before it could allow them to proceed to adoption.
4. At the Planning Committee on 19 May I brought a report under AOB on the need for CNPA and Aberdeenshire Council to jointly advertise the Notice of Intention to Adopt (NIA). In so doing the issue of the Scottish Executive advice on Appropriate Assessment was also raised. The Committee resolved to proceed with the NIA subject to SNH being content with the measures being taken by Aberdeenshire Council to address the Appropriate Assessment issue.
5. A meeting subsequently took place between officials of CNPA, Aberdeenshire Council and SNH. A way forward was agreed that involved the production of an Appropriate Assessment by Aberdeenshire Council plus an additional safeguard in the form of Supplementary Planning Guidance (SPG) requiring standard development briefs for all new development that could affect a Natura site. The details of the SPG will be prepared in consultation with SNH and CNPA, and in respect of any sites in the Park, the relevant briefs will be prepared in consultation with CNPA.

6. The Notice of Intention to Adopt was advertised on 24 and 31 May 2006. At the same time copies of the ALP were placed on deposit in Council offices and libraries. A certified copy of the ALP was sent to the Scottish Executive on 24 May 2006, followed by a copy of the Appropriate Assessment on 5 June 2006. The letter of 24 May gave Ministers 28 days from the date of the plan being sent to them in which they could direct that the plan shall not be adopted until further notice or shall not have effect unless approved by them.
7. The Scottish Executive confirmed in a letter dated 21 June 2006 that Ministers do not propose to issue a Direction in the case of the Plan and it can therefore proceed to adoption.
8. The Infrastructure Services Committee of Aberdeenshire Council met on 22 June 2006 and resolved to adopt the ALP in similar terms to those recommended above. At the time of writing, the minute of this meeting has to be accepted by the full Council on 29 June 2006, but it is assumed that this will happen. If not, Members will be informed at the meeting on 30 June 2006.
9. The suggested adoption date of 30 June 2006 is to coincide with the meeting of this Committee which is essentially the final step in the process leading to adoption.
10. Once adopted the ALP will automatically supersede all previous Local Plans for the area and will apply to the Aberdeenshire part of the Park until such time as the CNP Local Plan is adopted.
11. Once the ALP has been adopted, the Council and CNPA are again required to advertise the fact in the Edinburgh Gazette as well as twice in a local newspaper. There will then be a six week period in which any person aggrieved by the Plan can question its validity by application to the Court of Session.
12. The costs associated with publication of the ALP are being met by the Council.
13. Members are asked to accept the recommendation as set out on the first page of this report.

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