

Date:			
Issue:	Policy 24 – Housing Development outside settlements		
Objector(s):	Muir Homes	Objection ref(s):	038o
	The Proprietors of Mar Centre		394m/p
	Badenoch and Strathspey Conservation Group		400g(h)
	Glenmore Properties Ltd		453l/t
	Reidhaven Estate		456h/u

Reporter	Mrs Jill Moody / Mr Hugh Begg
Procedure:	Informal hearing

1.0 Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified in respect of Policy 24 : Housing Developments Outside Settlements, and supplements the response made to those objections by the Cairngorms National Park Authority in its reports to Committee (CP7.3,4 and 5). It suggests a further modification is made to the Plan in respect of this policy to remove reference to the use of planning conditions and legal agreements.

2.0 Provision of the Local Plan

- 2.1 Policy 24 within the Deposit Local Plan as modified gives policy guidance to allow a consistent framework for development of proposals and for the assessment of applications which are for new housing development outside settlements. During the current transitional arrangements set out in the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008, the policy is intended to provide an appropriate level of guidance to meet the requirements of SPPI (CP2.2 para 37-38) and Scottish Planning Policy (CP2.1 para 15-18) and ensure that applications for such development within the National Park are adequately consider in a consistent manner.
- 2.2 The Policy (previously Policy 26 of the Deposit Local Plan CP6.11 page 50) has been modified in the 1st modifications to give support for affordable housing development outwith settlements. In addition, modifications add further clarity on the options to reuse buildings on the site for housing, to expand the policy guidance for developments linked to land management and for those retiring from rural business. An additional option has also been added to include the development of brownfield land within this policy.
- 2.3 The supporting text has been modified to clarify requirements for additional supporting information to accompany applications for development, and to define the term ‘brownfield’ as used in the policy.
- 2.4 In considering the objections, modifications to the policy and how the policy will be implemented on adoption, it is now considered that the use of the term “brownfield” is confusing, as is the addition of a definition in paragraph 5.70. The wording does not follow Scottish Government definitions of the term, and is considered to lead to confusion in implementation. A change is therefore proposed to rectify this.

Policy 24 c) *The development is sited on land which has been significantly degraded by a former activity.*

Paragraph 5.70 delete wording included in 1st modifications and replace with

Where development for housing involves the reuse of sites previously occupied by housing development, proposals will be considered under Policy 25.

Glossary: delete definition of Brownfield land.

This is an officer recommendation which has not been endorsed by the CNPA Board.

Also in considering the objections to part b of the policy, it is now considered that this part of the policy is superfluous. Legal agreements and planning conditions can be attached to permissions in the normal way and do not therefore require to be highlighted in policy. It is therefore proposed that the Inquiry consider a further modification to this policy to delete the final sentence of b) “Where relevant such proposals will be secured through planning condition or legal agreement.”

This is an officer recommendation which has not been endorsed by the CNPA Board.

3.0 Summary of objection(s)

3.1 Five objections raising twelve issues have been lodged to this objection and wish to have their objections considered by informal hearing:

- The policy should allow for growth within dispersed rural settlements in line with SPP3. **(394m, 453I)**
- The definition used for ‘brownfield’ land is not in accordance with the definition given in PAN 73 or SPP3 **(038o, 394p, 453t)**
- The option for development on brownfield land should not be restricted to a single dwelling. **(394m, 453I, 456h/u)**
- The supporting evidence that might be required to support an application is onerous. **(456h/u)**
- The policy conflicts with policy 23. **(394m)**
- Flexible settlement boundaries should be used to ensure settlement growth can react to need and demand. **(394m)**
- The use of planning conditions in b) is unnecessary. **(394m, 453I)**
- Paragraph 5.67 should only apply to ‘Other housing outside settlements’. **(394m, 453I)**
- The policy creates too many opportunities for development without adequate safeguards. **(400g(h))**
- The wording of the policy implies that permission will be granted and the planning process bypassed. **(400g(h))**
- The option to develop brownfield land may have impacts for biodiversity, and the policy does not include sufficient safeguards to address this. **(400g(h))**
- Options for affordable housing as promoted by this policy should be identified in the proposals maps. **(453I)**

4.0 Summary of Cairngorms National Park Authority response

- Para b) of policy – In considering the objections to part b of the policy, it is now considered that this part of the policy is superfluous. Legal agreements and planning conditions can be attached to permissions in the normal way and do not therefore require to be highlighted in policy. It is therefore proposed that the Inquiry consider a further modification to this policy to delete the final sentence of b) “Where relevant such proposals will be secured through planning condition or legal agreement.” **(394m, 453I)**
- SPP3 (CD2.4) – sets out the need to make provision for housing outside settlements (Policy 21, 23, 24, 25 and 29). This should include provision on brownfield land (Policy 24) and greenfield land (Policy 21, 23 and 24). It also requires provision for conversion to dwellings (Policy 29).

There is considered to be adequate provision for development opportunities outwith settlements to meet the requirements of SPP3 (CD2.4) and no further change is therefore proposed. **(394m, 453I)**

- Definition of Brownfield land – the modification above is considered to address these objections. **(038o, 394p, 453t)**
- Opportunities on Brownfield land – modifications have changed the wording of the policy to allow more than one dwelling on a brownfield site. The issue has therefore been addressed. **(394m, 453I, 456h/u)**
- Requirements of supporting evidence – The background clarifies the supporting justification which should be included with applications, and this is given to ensure appropriate clarity. This justification for site selection is not considered onerous and no change is proposed. **(456h/u)**
- Conflict with Policy 23 – The policy through 1st modifications has been changed to ensure no conflict with other policies in the Plan. **(394m)**
- Opportunities for growth to react to need and demand – Settlement boundaries are included as part of the hierarchy of settlements included within the proposals section of the plan. Para 7.5 clarifies their role. There is considered to be appropriate flexibility provided through the policies to react to demand in any given area, and no change is proposed. **(394m)**
- Paragraph 5.67 – the policy and supporting text is intended to apply to all development considered under the policy. Those for affordable housing should also justify the site selection when outside a settlement. No change is therefore proposed. **(394m, 453I)**
- Excessive growth opportunities – The policy, together with other policies for housing development takes on board the requirements of Scottish Planning Policy on the topic, and is therefore considered to provide adequate opportunity, and when considered with the other policies on the plan, with appropriate safeguards regarding siting, design and impact. **(400g(h))**
- Tone of wording – The policy must be considered with the others in the Plan (Para 1.20) and without appropriate compliance with all policies, and other material considerations relevant to the decision making process at the time, will not gain permission. **(400g(h))**
- Impact on biodiversity – the impact of development on biodiversity is considered in Policy 6: Biodiversity and Para 1.20 clarifies the need to read all relevant policies together. No further change is therefore considered necessary. **(400g(h))**
- Proposals maps – The policy supports all affordable housing outside settlements and is not therefore considered appropriate to limit this to any areas highlighted on proposals maps. No change is therefore considered necessary. **(453I)**

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that the objections listed above are rejected subject to the modifications listed above.
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6.0 Assessment / Scope of Evidence

- 6.1 **038o** also objects to the definition of ‘brownfield’ land as it is not in line with that given in SPP3 (CD2.4).
- 6.2 **Response:** The modification above is considered to address this objection.
- 6.3 **394m/p** object to the restrictive nature of the policy. The policy should allow for development outwith boundaries. Flexibility in boundaries should therefore be considered.

- 6.4 **Response:** The approach taken in regard to settlement boundaries reflects the hierarchy of settlements used within the Plan (Para 7.2) This hierarchy reflects the expectation that the majority of development would be within strategic settlements, with intermediate and rural settlements seeing development to support communities. It is clearly stated that outwith these boundaries development proposals will be considered against the policies of the Plan. In Para 7.5 developments outwith boundaries are expected to provide a justification for the selected location. The approach to settlement boundaries does not therefore preclude development outwith the boundary, but rather seeks additional consideration as to the need for the location. This sequential approach to site selection is intended to provide adequate flexibility to meet demand, whilst ensuring the best sites are selected. No change to this approach is therefore proposed.
- 6.5 **Objection** is raised to b) which should not refer to legal agreements as this is considered unnecessary. In considering the objections to part b) of the policy, it is now considered that this part of the policy is superfluous.
- 6.6 **Response:** Legal agreements and planning conditions can be attached to permissions in the normal way and do not therefore require to be highlighted in policy. It is therefore proposed that the Inquiry consider a further modification to this policy to delete the final sentence of b) *“Where relevant such proposals will be secured through planning condition or legal agreement.”*
- 6.7 **Objection** is raised to c) which should allow for more than one dwelling on a brownfield site.
- 6.8 **Response:** Modifications have changed the wording of the policy to allow more than one dwelling on a brownfield site. The issue has therefore been addressed.
- 6.9 **Objection** also considers the policy should allow for limited new housing in line with SPP3 (CD2.4).
- 6.10 **Response:** SPP3 (CD2.4) sets out the need to make provision for housing outside settlements (Policy 21, 23, 24, 25 and 29). This should include provision on brownfield land (Policy 24) and Greenfield land (Policy 21, 23 and 24). It also requires provision for conversion to dwellings (Policy 29). There is considered to be adequate provision for development opportunities outwith settlements to meet the requirements of SPP3 (CD2.4) and no further change is therefore proposed.
- 6.11 **Objection** is also raised to Para 5.67 which is not required as a retiring person should not have to move away from his home for the past 10 years.
- 6.12 **Response:** A simple statement of options which have been considered by the applicant and a justification why they have not been taken forward may suffice depending on the nature of the proposal. This sequential approach to site selection is not considered onerous, and it is considered appropriate to ensure that applicants consider fully why they require a house on any particular site, and articulate this to the planning authority. No change is therefore proposed.
- 6.13 **400g(h)** objects to the policy being permissive and not containing suitable safeguards. The wording is open to interpretation throughout and is therefore open to abuse in implementation, particularly where a house is built to support a business and the business in the future then closes.

- 6.14 **Objection** is also raised to the wording which implies that developments could bypass the planning process.
- 6.15 **Response:** The policy does not imply any bypass of due process in the consideration of applications, and paragraph 1.20 of the Plan states clearly how the plan will be implemented, taking into consideration all policies relevant to the proposal.
- 6.16 **Objection** is raised to the term Brownfield sites which should be recognised for their potentially high biodiversity value and special heritage value. This should also be reflected in the definition.
- 6.17 **Response:** The policy relates only to set the framework for the consideration of housing opportunities outside settlements. Policy 6 relates directly to the impact of development on biodiversity and Para 1.20, as above clarifies that all relevant policies should be considered together. No change to this policy is therefore considered necessary.
- 6.18 **453I/t** objects to the restrictive nature of the policy. The policy should allow for groups of 5 or more houses to grow as a group.
- 6.19 **Response:** This is considered under policy 23 and no further change is therefore considered necessary.
- 6.22 The policy should allow for limited new housing in line with SPP3. The arguments and support for the policy are as above.
- 6.21 **Objection** is also raised to b) which should not refer to legal agreements as this is considered unnecessary. The arguments and support for the policy are as above.
- 6.22 **Objection** is also raised to c) which should allow for more than one dwelling on a brownfield site. The arguments and support for the policy are as above.
- 6.23 **Objection** is raised to Para 5.67 regarding a sequential approach is not required.
- 6.24 **Response:** A simple statement of options which have been considered by the applicant and a justification why they have not been taken forward may suffice depending on the nature of the proposal. This sequential approach to site selection is not considered onerous, and it is considered appropriate to ensure that applicants consider fully why they require a house on any particular site, and articulate this to the planning authority. No change is therefore proposed.
- 6.25 **Objection** is also raised to the definition of 'brownfield' land which is not in line with that given in SPP3 (CD2.4). The modification is considered to address this objection.
- 6.26 **456h/u** objects to the restrictive nature of the policy. The policy should allow for more than one dwelling on a brownfield site.
- 6.27 **Response:** The 2nd modifications amended the wording in c) to development, so allowing more than one dwelling. This objection is considered to therefore have been addressed.
- 6.28 **Objection** is also made to Para 5.67 and 5.68 which are considered onerous in terms of the amount of supporting information required.

6.29 **Response:** A simple statement of options which have been considered by the applicant and a justification why they have not been taken forward may suffice depending on the nature of the proposal. This sequential approach to site selection is not considered onerous, and it is considered appropriate to ensure that applicants consider fully why they require a house on any particular site, and articulate this to the planning authority. No change is therefore proposed.

7.0 Strategic Issues

7.1 The approach taken supports the strategic objectives of the National Park Plan (CD7.1) regarding sustainable communities (Page 67). Here the aim is to focus settlement growth on the main settlements and plan growth to meet community needs in other settlements.

8.0 List of documents (including Core Documents)

- CP2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CP2.2 SPP1 The Planning System
- CP2.4 SPP3 Planning for Housing 2008
- CP2.11 SPP15 Planning for Rural Development
- CP6.9 Cairngorms National Park Local Plan Consultative Draft October 2005
- CP6.11 Deposit Local Plan
- CP6.12 Deposit Local Plan 1st modifications
- CP6.12 Deposit Local plan 2nd modifications
- CP7.1 Cairngorms National Park Plan 2007
- CP7.3 CNPA Committee Report Consultation May 2008
- CP7.4 CNPA Committee Report 1st Modifications October 2008
- CP7.5 CNPA Committee Report 2nd Modifications February 2009
- CP7.18 CNP Local Plan Consultative Draft October 2005

9.0 Cairngorms National Park Authority Witnesses for Informal Hearing

- Karen Major – Local Plan/Policy Officer