

# Cairngorms National Park Local Plan Inquiry

## Cairngorms National Park Authority Topic Paper:

### Statutory National Park Context

#### Introduction

1. The purpose of this Topic Paper is to set out the statutory National Park context that has informed the preparation of the Cairngorms National Park Local Plan. It is important that there is a clear understanding of this context as the Local Plan has been prepared to comply with two areas of legislation, National Parks and Planning. This paper can be referred to when seeking clarification on this issue for any aspect of the content of the Deposit Local Plan as modified.

#### The Statutory National Park Context

2. The Local Plan has been prepared with reference to the statutory role of the CNPA under the National Parks (Scotland) Act 2000, the “Act”, and The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, the “Order”.
3. Section 1 of the Act lists the National Park aims:
  - a) To conserve and enhance the natural and cultural heritage of the area
  - b) To promote sustainable use of the natural resources of the area
  - c) To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public
  - d) To promote sustainable economic and social development of the area’s communities.
4. Section 2 the Act sets out the conditions for designation of an area as a National Park:
  - a) That the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage;
  - b) That the area has a distinctive character and a coherent identity, and
  - c) That designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.
5. Section 9 of the Act states that the general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way. In exercising its functions the authority **must** act with a view to accomplishing this purpose. If in relation to any matter it appears to the

authority there is conflict between the first aim and the others, the authority must give greater weight to the first aim.

6. The Cairngorms National Park was designated by the Order in 2003 because the area met the conditions in Section 2 of the Act. The Cairngorms National Park Authority (CNPA) was established in March 2003 to fulfil the purpose stated in the Act.
7. Section 7 (1) (a) of the Order makes the CNPA the sole authority within the National Park in respect of functions in relation to local plans. In discharging this role the CNPA has to act in accordance with its statutory purpose as required by Section 9 of the Act. In other words the Local Plan **must** help ensure that the National Park aims are collectively achieved in a co-ordinated way.

### **Purpose and Status of the Cairngorms National Park Plan**

8. Section 11 of the Act requires a National Park Authority to prepare and submit to Scottish Ministers a “National Park Plan” setting out its policy for managing the National Park, and co-ordinating the exercise of the functions of the authority and other public bodies/office-holders in relation to the National Park with a view to accomplishing the purpose in Section 9 of the Act.
9. Section 14 of the Act requires all public bodies and office holders to have regard to the adopted National Park Plan in exercising functions affecting a National Park.
10. Para. 18 of Schedule 5 to the Act inserted Section 264A into the Town and Country Planning (Scotland) Act 1997 requiring special attention to be paid to the desirability of exercising any power under the planning Acts consistently with the adopted National Park Plan. This creates a link between the two pieces of legislation.
11. Following consultation in the first half of 2006, the Cairngorms National Park Plan was approved by Scottish Ministers in March 2007 and adopted by the CNPA in April 2007. It is not a CNPA plan; it is a plan for the National Park. It was prepared by an inclusive process involving a wide range of partners who continue to be involved in delivery of the Plan. This is evident from the variety of logos displayed inside the document including all of the local authorities, HIE, Scottish Enterprise and Communities Scotland.
12. The National Park Plan provides the strategic context for all of the functions of the CNPA including the Local Plan. In contributing to delivery of the National Park Plan, the Local Plan also conforms to the relevant structure plans and the provisions of the Town and Country Planning (Scotland) Act 1997, including Section 264A, as well as the Town and Country Planning (Development) Planning) (Scotland) Regulations 2008. Furthermore the Local Plan is in conformity with other relevant legislation including the Conservation (Natural Habitats, etc) Regulations 1994 (as amended), the Conservation (Natural Heritage, etc) Regulations 1994 (as amended), the Nature Conservation (Scotland) Act 2004, and the Environmental Assessment (Scotland) Act 2005.

## **Conclusion**

13. This is a Local Plan for the Cairngorms National Park. Leaving aside Loch Lomond and the Trossachs NPA, it has a different statutory context from those prepared by other planning authorities. It has to comply with the requirements of two sets of primary legislation, neither of which has precedence over the other. It has been prepared by the CNPA whose statutory purpose is clearly defined. The local plan function has to contribute to the achievement of that statutory purpose. This is therefore the context for the preparation of the Cairngorms National Park Local Plan and for consideration of objections in the Local Plan Inquiry.

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