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### **Objections to the draft Designation Order for the Cairngorms National Park**

Council has made formal objections to the Order and, in summary, these are essentially threefold:-

1. The retention of Structure Planning Powers by the local authorities
2. The retention of Development Control Powers (albeit subject to a call-in) by the local authorities, and
3. The reduction in the size of the Park from the proposals by SNH

#### **1. Structure Planning**

Structure Plans prepared by the local authorities are in place now. The Park Authority would be a consultee when these Plans were revised but would have no powers to challenge their terms in the interim period - which may of course, last for several years. The Park Authority would have the power to prepare its Local Plan but the Planning legislation under which it would be prepared requires a Local Plan to conform with the Structure Plan. Clearly the Park Authority might wish to adopt policies which conflicted with one or more of the Structure Plans and, anyway, it would wish the same policies to apply in every part of the Park and might find that the terms of the Structure Plans prevented this. The recent Scottish Executive document "Review of Strategic Planning" states specifically that, when Structure Plans cease to be required outside the city regions, the elements of Strategic Planning which they include would be incorporated into the Local Plans. It seems unfortunate and anomalous that in the opening years of the Cairngorms National Park constraints and conflicts might well arise because of an allocation of Planning Powers which will anyway be changed in a few years time.

It has been argued that the Park Plan which the Park Authority would be required to prepare would override the Structure and Local Plans for the area. In fact the Park Plan will have no legal status enabling it to override the Statutory Plans: it would only become a factor to be taken into account as advice when local authorities were making decisions affecting the Park (the National Park Act includes a requirement that Councils acting within the Park area have regard to the Park Plan but the only amendment to Planning legislation in the Act says no more than that "special attention shall be paid to the desirability of exercising the power consistently with the National Park Plan").

#### **2. Development Control Powers:**

It is proposed that these powers should be retained by the local authorities subject only to a right for the Park Authority to call-in an application within a fortnight of its receipt. If despite the problems of embodying its own policies in a Local Plan and the Park Plan when these are required to conform with the Structure Plans - the Park Authority had established appropriate policies for Development Control, most of this work would be carried out by planning officials familiar with their own authority's policies and reporting to their own authority's planning committees. This seriously weakened control of development within the Park would leave the Park Authority in an ambiguous position when, in pursuit of the fourth purpose of the National Park as defined in the Act it was

seeking new relevant investment in business for the Park. It could not determine the planning aspects of a new development and would have to pass the prospective investor to the local authority to seek planning permission.

### **3. The Area of the Park**

Scottish Natural Heritage explored a number of options for the Park boundary. It recommended a wide boundary which included the whole of the Cairngorm massif. This conforms with the requirements of the Act and of the international standards for designation of world heritage sites. The draft Designation Order however has adopted a very small area reduced mainly by deleting all land within Perth and Angus local authority areas in the South and a large area in the North East (see plan attached). It may be supposed that the change in the South is a recognition of the complexity of the planning arrangements considered above. These might be more manageable for three authorities than for five. However the final boundary is anomalous for a National Park and should be reconsidered. The plan attached shows the proposed boundary compared with the SNH recommendation.

### **4. Conclusion:**

In contrast with the Loch Lomond National Park which has started with adequate Planning Powers, the proposal for the Cairngorms seems to be driven both in the decisions on Planning Powers and on the boundary by a wish to allow local authorities to retain a large measure of planning power in the Park and to reduce to the minimum the area awarded to the National Park. The Cairngorms are too important both nationally and internationally to be subjected to such a flawed management structure.

**Brian K Parnell**  
**25 September 2002**