

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title:** CNPA PLANNING ENFORCEMENT  
CHARTER

**Prepared by:** Bruce Luffman – Enforcement Officer

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#### **Purpose**

This report is to formally seek the Planning Committee's agreement to adopt a Planning Enforcement Charter for the Cairngorms National Park Authority (CNPA) that is required to be prepared under the Planning etc. (Scotland) Act 2006. The CNPA has to ensure that its policy towards enforcement underpins a valued approach to delivering an effective planning function across the whole Park.

#### **Recommendation**

That members of the Planning Committee accept the Planning Enforcement Charter as set out in Appendix 1 of this report.

#### **Summary**

Section 158A of the Planning etc. (Scotland) Act 2006 (The Act) requires planning authorities to prepare an enforcement charter. This document sets out the CNPA's service standards on taking enforcement action and details of how members of the public are able to bring possible breaches of planning control to the CNPA's attention. It further details how a complaint should be made to the CNPA and the process of feedback in relation to any enforcement action taken by the CNPA.

There will be an Enforcement Register kept at the Ballater and Grantown on Spey offices for public inspection.

This charter will be reviewed and updated and any new versions will be re-published and kept at both CNPA's offices; local public libraries and electronically through the CNPA's website. This will be necessary as new enforcement powers become available under the Act.

## Background

1. Under 158A of the Planning etc. (Scotland) Act 2006 a need was identified for planning authorities to have an Enforcement Charter.
2. This Charter explains how the enforcement process works, the role of the CNPA as the Planning Authority and the service standards it sets itself. It also explains what happens at each stage of what can be a lengthy process.
3. The public have an important role to play in the monitoring of planning control policies and conditions and this charter should give them confidence to know how to contact the CNPA with any concerns regarding development control in the Park area.
4. This enforcement charter covers only the 'called in' applications by the CNPA Planning Committee but a protocol will be defined with the current 4 Councils in the Park area for addressing issues of planning control enforcement that may impact on the 4 statutory aims of the National Park.
5. The Act also requires that the charter is made readily available for members of the public at public libraries. To achieve that, the charter will be available at both the Ballater and Grantown on Spey offices as well as local public libraries and electronically on the CNPA website.
6. Further powers of enforcement were written into the Act for planning authorities so that there was a balance between permitting radical changes in some aspects of the Town & Country Planning (Scotland) Act 1997 and the need to make sure that development control policies were not abused. These extra powers are yet to be implemented by the Scottish Government but the likelihood is early next year.
7. The Act says that the enforcement charter must be kept under review by planning authorities and be updated when it is thought appropriate but in any event within 2 years of the last publishing.
8. Whilst this paper is centred on the agreement of the Charter, there is a need for a discussion in the near future by the CNPA Planning Committee on the issue of the process of delegation for

implementing the enforcement procedures. Under the existing Act and even more pertinently under the 2006 Act, there will be a need to be able to react quickly in terms of enforcement. This will require delegation to officers and a process of reporting back to the Planning Committee on an agreed and regular basis.

### **Recommendation**

That members of the Planning Committee accept the Planning Enforcement Charter as set out in Appendix 1 of this report.

**Bruce Luffman**

*21<sup>st</sup> April 2009*

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