
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DISCUSSION

Title: SCHEME OF DELEGATION FOR THE CNPA PLANNING SERVICE

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Purpose

To consider the scope of delegation to officers in order to clarify roles and responsibilities and improve the efficiency of the Planning Service.

Recommendations

That the Committee:

- i. **Note the areas of work that are already delegated to staff; and**
- ii. **Consider the general principles behind a Scheme of Delegation which will be worked up and formally approved at a later date.**

Background

1. In order to function effectively as a Planning Service a range of tasks need to be undertaken by officers on behalf of the Park Authority in discharge of its legal functions as a planning authority. This already happens in practice within CNPA as a result of specific decisions made by the Planning Committee.
2. In May 2014 new Standing Orders for Planning Committee were implemented making specific provision for delegation of responsibility to planning officials and proposing a scheme of delegation. The Scheme of Delegation would be an appendix to the Standing Orders for Planning Committee under the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. Before the scheme could be adopted it must be approved by Scottish Ministers.

3. Staff have reviewed the approach taken by other planning authorities, both within the Park and elsewhere in Scotland. Generally, formal schemes of delegation are in place covering a wide range of functions; frequently well beyond the scope of planning. Local authority schemes of delegation frequently cover every Committee of the full Council and then the delegation to staff under every function of the authority.
4. All planning authorities take major and significant development proposals to Planning Committees for decision (with options to involve the full Council) and have systems to delegate other decisions to officers. Checks and balances are generally in place to ensure that the most significant and contentious applications – for example, those that receive a significant number of objections – are considered at Committee. Special arrangements are set out for Local Review Bodies. Some planning authorities also delegate parts of the development planning role to officers – for example, approval of Development Plan Schemes which sets out the timetable for the process.

Existing delegation within CNPA

5. In CNPA all Board members currently serve on the Planning Committee. Due to the “call-in” function, where CNPA generally deals with the most significant Planning applications in the Park, delegation of decision-making to staff has been relatively restricted to date.
6. There are a range of functions that are already specifically delegated, normally to the Head of Planning, or which staff are routinely undertaking on behalf of CNPA including:
 - a) The power to “call-in” planning applications – specific criteria have been agreed recently to assist decision making;
 - b) The power to refuse planning applications if they lack sufficient information;
 - c) Entering in to S75 legal agreements (Chief Executive);
 - d) Agreement to non-material variations in planning permission;
 - e) Some Enforcement activity.

Towards a Scheme of Delegation

7. In considering the specific requirements of CNPA we propose to develop a Scheme of Delegation along the following lines:
 - a) Develop the Scheme of Delegation as an appendix to the Standing Orders for Planning Committee under the Town and Country Planning (Schemes of

Delegation and Local Review Procedure) (Scotland) Regulations 2013 and the Circular 5/2013, Schemes of Delegation and Local Reviews;

- b) Delegate functions to an “appointed officer” defined as Director of Planning and Rural Development, and where they so determine, the Head of Planning, or the Development Manager of the National Park Authority;
 - c) Defining the discrete areas where functions are delegated to the appointed officer rather than comprehensively list all the areas of potential decision making that are not delegated;
 - d) Specifically delegate the determination of applications that have been “called in” only because they are directly related to applications that have been previously determined by CNPA. This arrangement was previously discussed at Committee in the context of the “call in” criteria and was considered to have benefits in terms of continuity of customer service and faster application processing.
8. A draft scheme of delegation is in preparation. Following the Planning Committee, staff will continue to develop the document with legal advice and bring a paper back to Planning Committee for agreement 26 September 2014. Once agreed by Planning Committee, the proposed scheme of delegation will be sent to Scottish Ministers for approval. Following ministerial approval it will be brought back to planning committee for formal adoption.

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