

CAIRNGORMS NATIONAL PARK AUTHORITY

**Title: DELEGATION OF AUTHORITY TO REFUSE
PLANNING APPLICATIONS DUE TO LACK
OF INFORMATION**

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1. The purpose of this paper is to seek Members' agreement for delegation of authority to the Head Planner to refuse applications due to lack of information.
2. **Recommendation:**
 - **That Members delegate authority to the Head Planner to refuse applications where the applicant has not provided all requested information within one month of the date of the request for that information or such other date as may be agreed in writing.**
3. **Background**
 - 3.1 The majority of the 500 or so planning applications in the Park each year are dealt with by the 5 local authorities with the Cairngorms National Park Authority (CNPA) calling in and determining around 10%.
 - 3.2 Since the designation of the National Park CNPA planning staff have devoted a significant amount of time on individual applications to obtain all of the necessary information to make a full assessment and negotiate changes (if necessary) to proposals with a view to securing a positive outcome. The number of approvals has consistently been in the order of 75 – 80%, but this process has often taken many months.
 - 3.3 There is an expectation by Scottish Government that applications should be determined in accordance with the timescales set out in Regulations, 2 months for local developments and 4 months for national/major developments. The mechanics of the call-in process mean that CNPA cannot meet these timescales, but we should aim to get as close as possible.

- 3.4 There is a balance to be struck between speed of determination and quality of outcome. In cases where planning permission is granted it is clearly the latter that is more important. Until October 2010 there was no adopted Cairngorms National Park Local Plan or Supplementary Planning Guidance to provide a framework for applicants to prepare and bring development proposals forward, or for CNPA to assess and determine applications.
- 3.5 We now have an established policy framework in place which clearly sets out the expectations for development within the majority of the National Park including the various factors that will be considered, surveys that will be required and information that should accompany a planning application. This context, along with the pre-application discussion which CNPA and local authority planning staff actively encourage, means that there is no excuse for an application coming forward with inadequate information.
- 3.6 When applications are called-in by CNPA, the file is received from the local authority and an assessment is made of the information within it. The applicant is then asked to provide any outstanding information. In the majority of cases it is reasonable to expect information to be supplied within a month of a request and that permission should be refused if the information is not forthcoming. Aberdeenshire Council has delegated powers to officers to refuse planning permission in these circumstances and it is recommended that CNPA take a similar position. This will deliver Action 7 a) on Determination Rates in the Planning Service Improvement Plan 2011 – 12.
- 3.7 The proposed delegation will only apply where, despite a request, there is insufficient information to allow an assessment to be made against relevant planning policy. In such cases planning permission would be refused with reference to that policy. For example, an application should be accompanied by a description of and assessment of any effects on the natural heritage on the site along with measures to address any effects, all as required by Natural Heritage Supplementary Planning Guidance (SPG). If this is not forthcoming then permission can be refused with reference to the SPG and Policies 1 – 5 of the Local Plan.
- 3.8 In such circumstances a reason for refusal could be:
“The application for the proposed development is deficient as it is not accompanied by the information specified in Section 5.1 of the adopted Cairngorms National Park Natural Heritage Supplementary Planning Guidance. Without this information it is not possible to assess compliance with Policies 1 – 5 of the Cairngorms National Park Local Plan and consequently there is a failure to demonstrate that the proposed development complies with the Local Plan.”
- 3.9 Where information has been provided and there is a difference of opinion between CNPA planning staff and the applicant on its interpretation in terms of compliance with planning policy, then the application will continue to be reported to the Planning Committee so that all the arguments can be heard before a decision is taken.

4. **Conclusion**

- 4.1 This report deals solely with circumstances where information requested to allow proper assessment against planning policy has not been received. The Planning Committee will continue to determine all other applications.
- 4.2 The delegated power to refuse planning permission will apply in the circumstances as described in paragraphs 3.7 – 3.8 above. The specific terms of the proposed delegation to the Head Planner are contained within the recommendation in paragraph 2.

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