

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: Six month review of CNPA Planning Obligation Processes and Procedures

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Purpose:

To inform Members of how revised processes and procedures relating to planning applications where a legal agreement is required, normally a Planning Obligation under Section 75 of the Planning Act, have been working.

Recommendation:

That the Committee:

- **Note the paper for information.**

Executive Summary

New procedures for the way that officers deal with Section 75 Planning Obligations or other legal agreements were introduced in December 2013. More effort is being made to agree the terms of agreements during the processing of an application before determination, so that committee and applicant understand the terms and in order to avoid unnecessary delays in the issue of decision notices.

At the same time, monitoring of post-committee decision cases has introduced targets for completion and potential review of cases that appear unlikely to be concluded. Following committee decisions, cases may be brought back to planning committee meeting four months later if officers consider the agreements are unlikely to be concluded. This procedure has already helped to progress some applications and officers consider it likely to help reduce delays in some current and future cases.

Background

1. In December 2013, Members agreed a revised procedure and approach to the conclusion of Planning Obligations (also known as Planning Agreements or Section 75 Agreements) that are used to overcome obstacles to granting planning permission. Historically, the CNPA negotiated such agreements after the committee decision to approve an application. The revised procedure places greater emphasis on agreeing terms during pre-application discussions and application determination so that the committee and the applicant understand clearly what is required at the point of determination. It will help ensure that decision notices are issued as quickly as possible, providing certainty for all parties.
2. As part of the revised procedure, the CNPA undertook to monitor the progress of agreements post-decision in order to maintain the urgency needed to progress matters and issue decision notices. Many of the 'legacy case' planning applications that have taken months or even years to fully process have been those where post decision negotiations have stalled or been delayed. The CNPA introduced a six-month, now four-month, review of outstanding cases where officers could take applications back to the planning committee if they considered no significant progress was being made. In doing so, there would be a possibility of a committee decision to refuse permission on the basis that the agreement securing the obligation could not be concluded.

Experience so far

3. The new procedures have been in use for six months now and significant effort is going in to agreeing terms and ensuring matters are concluded as quickly as possible. Since December, a number of legacy cases with associated legal agreements have been concluded and decision notices issued:
 - 09/155/CP (An Camas Mòr)
 - 07/219/CP (St Andrews Terrace, Braemar)
 - 07/222/CP, 07/223/CP (Site south west of Kindrochit Court, Braemar)
 - 2011/0177/DET (Tesco site, Aviemore)
 - 2011/0245/DET (Land behind 129 Grampian Road, Aviemore)
 - 2013/0249/DET (Laggan Wolftrax)
4. No new cases have yet come to the committee with heads of terms agreed (only some applications require obligations to be met or agreements made) but we expect a number of applications of this type will come to committee later in the year.
5. The new approach to post application review of cases has led to some progress on stalled applications. The review of application 2011/0245/DET for example was concluded quickly by the applicant following our recommendation that you refuse it because outstanding developer contributions had not been paid. You also considered an update report on application 13/01267/DET (Boat of Garten housing site) in May 2014 and officers will bring further cases to you for review during the year. We expect this approach to lead to resolution of further cases without the need to take back to committee.

Next steps

6. The planning service consider this new approach, introduced last December 2013, has been successful and will continue to use the new procedures to manage cases towards conclusion and the issue of decision notices after committee determinations. We will report further progress on individual cases at appropriate committees and on any changes in service delivery in performance reports.

Gavin Miles
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