

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:**                    **Review of Call-in Procedures**

**Prepared by:**        **Simon Harrison, Head of Planning**

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### **Purpose:**

To update Committee Members on the review of processes and procedures relating to “call-in” and to seek authority to proceed towards finalising a revised Protocol Agreement with the other 5 local authorities within the Park.

### **Background**

1.        The Committee considered a review paper on possible changes to call-in processes, prepared by Simon Harrison, Head of Planning, in January 2014. It was agreed that discussions would then be held with the 5 other local authorities with a view to modifying the Protocol Agreement that currently exists, so as to accommodate the agreed changes in relation to call-in powers and procedures.

### **Towards a new approach**

2.        The Head of Planning and other senior staff have now met with equivalent staff within all the other 5 authorities and discussed call-in arrangements throughout the Park. As a result of these discussions, some useful feedback was received on the proposals set-out in the Amended Paper (Appendix 1), and as suggested following discussion amongst committee members in January 2014.
3.        These proposed changes are as follows:
  - (i)      It was proposed by all local authority Officer’s that there should be only two categories (and not three as originally proposed) of applications. These categories would be Proposed Type 1 Applications (Highly Likely to be Called-In) and Proposed Type 2 Applications (Highly Unlikely to be Called-In). The third category as previously proposed (Proposed Type 3 Applications – May be Called-In) should be modified to become a list of criteria to be used in providing guidance about the factors to be used in determining the remaining applications;

- (ii) Traveller Sites and Caravan Parks (>2ha in size) should be added to the list of Type I Sites (Highly Likely to be Called-In);
- (iii) The thresholds for residential development within and outside settlements within Type I should be “5 or more residential units within a settlement” and “3 or more residential units outside a settlement”. The justification for this is that it is consistent with our current custom and practice and our general approach to assessment of significance.

### **Agreed new Call-in Guidance**

4. In considering this list it is important to note the following:
  - a) Planning applications would only be formally “called in” once the application is made to one of the respective local authorities – this is a requirement of the legislation. The idea behind this new approach is to confidently inform applicants in advance as to which organisation will be dealing with the application so that processes are streamlined later;
  - b) Permitted development rights still apply – the process only formally starts once a planning application is made and if none is required then there is no application to call in;

### **Proposed Type I applications (highly likely to called-in):**

- All “major” applications as defined in planning legislation;
- Vehicle tracks outside enclosed farmland, unless already under consideration by another authority (e.g. Forestry Commission) under EIA Regulations;
- Wind turbines, solar panel farms and hydro schemes;
- Minerals;
- Biomass plants not attached to existing uses;
- Telecommunications masts outside settlements;
- 5 or more residential units within a settlement;
- 3 or more residential units outside a settlement;
- More than 250m<sup>2</sup> gross floor area, or 0.25ha, of employment space outside settlements;
- Applications which would require Environmental Impact Assessment;
- Traveller Sites more than 2 hectares in size
- Caravan Park sites more than 2 hectares in size
- Applications which are directly related to applications that have been previously determined by CNPA (decision delegated to officer’s).

**Proposed Type 2 applications (Highly unlikely to be called in):**

- Householder developments – as defined in planning legislation.
- Advertisement and listed building/conservation area consent applications where not linked to a planning application in the list above.
- Listed Building/Conservation Area consent applications, where these are submitted by one of the 5 other Local Authorities or by CNPA.

**Applications are more likely to be called in if by their nature, scale and location they:**

- may either be incompatible with or have potential to make a significant contribution to Park aims;
- may affect nationally important natural and cultural heritage interests;
- may raise significant issues for the social and/or economic well being of communities in the Park;
- may raise significant issues with regard to the enjoyment and understanding of the Park;
- may have a potential to make a significant visual impact development within principal transport corridors within the National Park
- may raise new policy issues not previously considered;
- individually or cumulatively may have a significant impact on the Park
- may affect places with high wildness characteristics, areas where there are particular landscape sensitivities or involving specific habitat designations;
- Raise controversial issues locally and with a high level of public interest.

**Next steps**

5. Once approved by Committee, this revised guidance will be incorporated within a revised Protocol Agreement to be approved separately by each of the other 5 local authorities within the Cairngorms National Park. The guidance will also be placed on the CNPA website, and opportunities taken wherever possible e.g. at future Developers Forums, to highlight this new guidance that will introduce a greater level of certainty into the application process to the benefit of applicants, local communities and the other local authorities with whom improved pre-application procedures will also be developed as a result of this greater level of certainty being provided.

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2<sup>nd</sup> April 2014