

CAIRNGORMS NATIONAL PARK AUTHORITY

For Informal Discussion

Title: Review of Call-in Procedures

Prepared by: Simon Harrison, Head of Planning

Purpose:

To provide an interim report on review of processes and procedures relating to “call-in” and get a steer from NP Protocol Meeting Members on the way forwards and to assist with general improvements in service delivery within the Cairngorms National Park.

Background

1. The Planning Committee of CNPA took the decision in December 2012 to delegate the call-in arrangements to Head Planner at CNPA, subject to periodic review.
2. The Committee also agreed that the new Head of Planning (commencing October 2013) should continue with current arrangements for the time being and a further review paper was requested to ensure the arrangements were working well.
3. The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (“the designation order”) provides the detail on exercise of planning functions within the Park. Section 7(3) sets out that CNPA may call in an application where it raises a planning issue of general significance to the National Park aims under section 1 of the 2000 Act.
4. The evolution of the call-in arrangements since the Park was established is explained in Don Mckee’s paper at Appendix 1 attached. The Development Control Protocol, which is agreed between CNPA and the 5 Local Authorities, sets out the detail of how the arrangements work (see Appendix 2 attached). The current criteria for call-in are rather general and it is clear that in some circumstances a degree of discretion is required in deciding which applications to call-in (Appendix 2). This can lead to uncertainty in the minds of both applicants and planning authorities to the possible detriment of clear and efficient pre-application processes.

Review

5. Simon Harrison, new Head of Planning at CNPA, has over the last 5 months observed and reflected upon the current procedure for call-in, as requested. In doing so he has spoken with applicants, CNPA Board Members, Community Council members and a number of officers from both within and outwith the CNPA.
6. Mindful of the views from Planning Committee members that delegation to officer level should not be at the expense of local input and accountability, Simon has consulted on a weekly basis with the Planning Convenor to discuss the final call-in list before it is issued. On a more recent trial basis, the list is also now circulated to the CNPA Monitoring and Enforcement Officer, Highland Council Planning (Kingussie Area Office) and all CNPA Planning Committee Members. This process has worked well, without any increase in or potential for delay, in providing the Head of Planning and Planning Convenor at CNPA with the opportunity to discuss any potentially controversial issues with either Officers or other Committee Members, prior to a call-in decision being finalised.
7. Simon has also considered whether the call-in process should be extended over a longer timescale so that decisions are taken, for example, every two weeks. Simon has reflected that the weekly cycle would appear to be the most efficient and effective way of handling the call-in process, because to extend it would significantly increase the risks of not meeting the legal obligation to decide on a call-in within 3 weeks of the application being validated and received.
8. As such, the Head of Planning is of the view that the call-in procedure works well for those directly involved in the Park, albeit that an element of discretion and professional judgement is still required in making the final call-in decision for some applications.
9. However, it is notable that some other partner authorities still have concerns about the process, and misunderstandings remain. As such, it is important to emphasise that:
 - a) Applications are considered for “call-in” on the basis of whether they are significant in terms of the aims of the National Park or not - no judgement is made at that time about the merits of the application;
 - b) Applications are called in because the proposed development may be significant and beneficial towards the aims of the National Park.
 - c) All applications, whether called in or not, are assessed against the same policy for the Park, as set out in the relevant Local Plan.

Towards a new approach

10. CNPA have already agreed through the Service Improvement Plan for 2013/14 to:
- *Work with local authority partners to redesign the pre-application process including review of internal systems and development of a protocol that makes clear which categories of development will be automatically be “called in” (or not) by the CNPA. This will improve the clarity of process for all interested parties and reduce potential time delays.*
11. The proposed way forwards is to develop three categories of applications:
- Type 1 – Applications which are highly likely to be called in
 - Type 2 – Applications which are most likely never to be called in
 - Type 3 – Applications which may be called in and require judgement by CNPA once the application is submitted (i.e. applications which are not within Type 1 or Type 2)
12. 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;
 - c) In drawing-up these lists, regard has been had to the perceived likelihood and potential significance of environmental, social and economic effects on the 4 statutory Aims of the National Park. In order to assist applicants and planning authorities and to provide greater certainty, it has however been felt most appropriate to specifically identify more tangible types of development.
 - d) In all circumstances, applicants should be encouraged to approach the CNPA for early advice.

Proposed Type 1 applications (highly likely to be called-in):

- All “major” applications as defined in planning legislation;
- Vehicle tracks outside enclosed farmland, unless already considered 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;
- More than 3 residential units within a settlement;
- 1 or more residential units outside a settlement;
- More than 250m² gross floor area, or 0.25ha, of employment space outside settlements;
- Applications which would require Environmental Impact Assessment;
- Applications which are directly related to applications that have been previously determined by CNPA.

Proposed Type 2 applications (Most likely never called in):

- Householder developments – as defined in planning legislation – within settlement boundaries.
- Advertisement and listed building/conservation area consent applications where not linked to planning application in list above.

Proposed Type 3 applications (May be called in):

- All applications not defined by Type 1 or Type 2
- 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.

Discussion

13. In order to promote discussion it is proposed that the following questions are considered by the Planning Protocol Meeting Members:

- Can we be certain we would always call in any other applications which we can define easily – i.e. they should be Type 1?
- Can we be certain we would never call in any other applications which we can define easily – i.e. they should be Type 2?
- Any further guidance we can give about Type 3 applications?
- Would this proposed refinement of the call-in criteria help pre-application processes and procedures, and if so, how?

Next steps

14. Following discussion with the five planning authorities and other interested parties (including Planning Representatives Network and Developers Forum) a formal paper will be brought back to the CNPA Planning Committee for approval (estimate April/May 2014). Appropriate amendments could then be made to the formal Planning Protocol which formalises how CNPA and the five local authorities work together in the Park.

Simon Harrison
Head of Planning
19 March 2014