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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title:** Review of Delegation of Planning Call-In

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#### **Purpose:**

To update Members on the operation of the delegated “call-in” arrangements, provide an opportunity for Members to review their effectiveness, propose some changes and seek Members’ approval to continue the arrangement on a permanent basis with periodic reviews.

#### **Recommendation**

**That Members of the Planning Committee**

- **continue to delegate responsibility to call-in planning applications of general significance to the National Park aims to the Head of Planning as set out in the report.**
  - **agree to consider a further review following end of Quarter 2 each year (next review in October 2014)**
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#### **Background**

1. The Cairngorms National Park Designation, Transitional & Consequential Provisions (Scotland) Order 2003 established the CNPA’s “call-in” function. The mechanics for its operation were agreed between CNPA and the constituent Local Authorities and until October 2010 the CNPA Planning Committee met every 2 weeks to agree which applications raised a planning issue of general significance to the National Park aims and should be “called-in” for determination by CNPA.
2. In October 2010 the CNPA Board agreed on a trial basis to conduct the “call-in” via a fortnightly on-line decision making process instead of holding meetings. This arrangement was confirmed by the Planning Committee in January 2011.

3. On 7 December 2012 the Planning Committee considered a report on Delegation of Planning Call-In and it was resolved:

*“That Members of the Planning Committee agree to the arrangements to delegate responsibility to the Head Planner to take the majority of the call-in decisions as set out in the report and subject to a review of the effectiveness of the arrangements in 6 months.”*

4. This report, prepared a little later than anticipated because of staff changes and priority casework, is to allow Members an opportunity to review the effectiveness of the arrangements and make any necessary revisions.

### **Operation of Call-In and Proposed Improvements**

5. Between 21 December 2012 and 23 September 2013 under the delegated arrangements, the “call-in” report has been produced and signed off on a weekly or, very occasionally, on a fortnightly basis. This arrangement has speeded up consideration of applications compared to previous arrangements. The call-in decisions are made by the Head Planner (or by Katherine Donnachie, since 6 August on an interim basis associated with staff restructure). As cover for leave arrangements decisions are also made on occasion by the appropriate Director.
6. In the same period there have been 317 applications notified to CNPA, 54 (17% of all notified applications) “called in” and 105 (33%) the subject of comments.
7. The types of application “called in” include large and complex proposals such as the Kingussie masterplan and the allocated housing sites at Nethybridge and Carrbridge; hydro schemes and individual wind turbines; or smaller scale proposals and renewals of permission which are linked to a development previously determined by CNPA.
8. In the early days of the National Park the call-in rate was similar to the current rate, but over the years the system has evolved with greater clarity over the types of application that raise issues of significance and on average the call-in rate has been in the order of 12%. The current rate of 17% reflects the types of application submitted over this period, which we cannot control, but we are looking at this issue as part of a wider review of all aspects of the planning service to ensure we are as efficient and customer focused as we can be within the planning powers contained in the Designation Order.
9. We 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.*

10. This proposal will enhance certainly and assist with pre-application discussions by clearly defining from the outset the type of applications that will be called in (or not). There is further work to be done on this and a report will be brought to the Planning Committee in due course with proposals. At present staff are considering the categories of applications that would always be called in, including:
  - major developments as defined under the Planning Acts
  - renewable energy proposals
  - proposals for more than [a specified number of] housing units
  - masts and antennae outside of settlements.
11. The procedures allow for the Head Planner to discuss borderline cases for “call in” with the Convener and Vice-Convener of the Planning Committee and they will take a decision on whether it should be called-in. In practice this procedure has yet to be used. Feedback is welcome on the sorts of applications where such a discussion would have been helpful.
12. There is one part of the “call-in” process where it is considered a change can be made immediately and this relates to the practice of commenting on those applications not “called in”. Historically Members commented at meetings on a range of matters relating to applications that were not “called in” and it was delegated to the Head of Planning how to best convey these comments to the Local Authority. The practice has continued under the delegated call-in arrangements. Given that all of the Authorities (except for Perth & Kinross Council) are now working with the same Local Plan and Supplementary Planning Guidance, comments are generally restricted to those instances where it is considered that they can add value to the Local Authority decision making process.
13. On occasion, the comments from CNPA, which are made at the time of “call in” by the Planning officers and generally without benefit of specialist advice (e.g. on landscape or outdoor access issues), have caused some confusion. In order to make the call-in process more focused and efficient, it is proposed to cease the practice of commenting and to make clear to local authorities that we are happy and willing to provide further advice as and when required at their request. If agreed this arrangement will be consolidated through revision of the protocol with local authorities.
14. We have very recently received some feedback from one Community Council that the delegated “call in” arrangements, taken together with the revised Committee Standing Orders (which allow 21 days from call-in to comment) is making it harder for them to provide feedback – CCs generally meet monthly but sometimes have planning sub-committees. In effect we are moving applications forwards more quickly and so there is less time to comment. We are taking soundings with other Community Councils and relevant partners to determine if we need to make any changes to arrangements.

## Conclusion

15. In summary, the delegated call-in process is working effectively. It is quicker, more resource efficient and allows Members more time to spend on their other responsibilities including the determination of those applications that are “called-in”. There is scope for further refinement and improvement of the call-in process and this will be the subject of a future report. The effectiveness of the process can be immediately improved by ceasing the practice of commenting on non “called-in” applications.
16. In order to promote discussion it is proposed that the following questions are considered by members:
  - Are we generally calling in the appropriate proportion and types of planning applications to deliver the Local Plan and the National Park Partnership Plan?
  - Are we using the procedure where Head of Planning discusses borderline cases with Convenor/ Deputy Convener sufficiently?
  - What categories of application should we always (or never) “call in” - see para 10 (subject to confirmation in a future Committee paper)?
  - Do Community Councils have sufficient time to consider applications that are called in?

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