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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## FOR DECISION

**Title: PLANNING COMMITTEE**

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### **Purpose**

This paper seeks the Boards view on the establishment of a Planning Sub-Committee.

### **Recommendation**

**The Board is asked to choose which planning committee structure it wishes to operate.**

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## PLANNING COMMITTEE – FOR DECISION

### Strategic Context

1. The Cairngorms National Park Authority has a unique role in the planning system in Scotland. The CNPA is responsible for preparing the Local Development Plan for the area but for the development management part of the system the CNPA only calls-in those applications that *‘in the opinion of the Authority, raises a planning issue of general significance to the National Park aims under section 1 of the 2000 Act.’* The operation of the current system is set out in the Planning Protocol between the CNPA and the 5 relevant Local Authorities. The type of applications ‘called-in’ are set out in the Planning Advice Note – [Applying for Planning Permission in the Cairngorms National Park](#).
2. The CNPA sought legal advice from its then legal advisers, Ledingham Chalmers, at the start of the National Park in 2003 about setting up a Planning Committee. This legal advice was based on the terms of the original 2003 Designation Order and specifically what was then clause 7(18.) which could be interpreted in different ways. This provision was the basis for the previous conclusion that the planning committee needed to have the same membership as the Authority itself and that all planning related actions had to be taken by the planning committee.
3. When part of Perth and Kinross was brought into the Park in 2010 changes were made to the 2003 Designation Order by the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 Modification Order. As well as reducing the membership of the Authority to 19 and doing various other things, this removed clause 7(18.)
4. On the basis of this change the CNPA sought an opinion in August 2015 on the legal status for the potential setting up a planning committee as a sub-committee of the Board. This advice produced by Harper McLeod states clearly that para 16 of Schedule 1 of the 2000 Act clearly allows delegation, including to committees, and nothing in the current Designation Order qualifies or removes that right.
5. If it is decided to take the setting up of the planning committee as sub-committee of the Board forward there would need to be a formal delegation document setting out the make-up of the planning committee, the decisions which can be taken by the committee, a right of recall by the Authority, and new planning committee standing orders. A scheme of delegation would be taken forward under paragraph 17 of Schedule 1 to the 2000 Act rather than S43A of the Town and Country Planning etc. (Scotland) Act 1997.
6. It should be noted that due to the limited nature of Park’s planning powers through the current designation order the CNPA is unable to set up a Local Review Body so the limited numbers of appeals would continue for all applications to be dealt with by the DPEA.

7. To conclude there is nothing in the legislation stopping the CNPA from setting up a planning sub-committee and putting in a scheme of delegation between the Board, the sub-committee and the officers.

## Options

8. The next section sets out the 2 options with pros and cons for each approach.

### Option 1 - Current Approach

- All 19 members sit on the Planning Committee and only specific issues are delegated to officers e.g. 'call-in' procedure.
- All planning policy decisions still dealt with by full board i.e. LDP.

#### Pros

- All members involved in planning decisions. We should only call-in applications that raise significant issues to the Park aims so all members take part in these decisions.

#### Cons

- Board Members are required to undertake 2- 3 days per month and planning takes up 1½ days per month.
- Planning (due to the full board sitting as planning committee) dominates board time and discussions, possibly also bringing a short-term and / or local impact decision set to a Board charged with contributing toward national outcomes.
- No scheme of delegation so all decisions have to come back to the Board i.e. MSC approvals where applicable.
- Travel and subsistence costs and carbon emission impacts of all 19 members attending each meeting.

### Option 2 - Alternative Approach

- Sub-Committee established. 11 members sit on the committee. Quorate of 6.
- All directly elected members sit on the committee + 3 Councillors and 3 national appointees.
- Scheme of delegation produced including what scale of applications would be taken to full board, what goes to planning committee and what is delegated to officers.
- All planning policy decisions still dealt with by full board i.e. LDP.

#### Pros

- Allows members to sit on committees/forums suitable to skills mix.
- Increased time from members not on planning committee to give to other areas of CNPA's business.
- Similar approach to most other Planning Authorities in Scotland including LLTTNPA.
- Potential to speed up response to MSC applications if delegated to officers.
- Potential for reduction in travel and subsistence and carbon emissions associated with business operations & board members.

Cons

- Not all members directly involved in all planning decisions taken by the CNPA.

**Timescales**

9. If the Board chooses to set up the Planning Sub-Committee the CNPA would agree the Scheme of Delegation at the Board meeting in March 2016, amend Standing Orders as required and the new system would come into operation from 1 April 2016.
10. At the March meeting the Board would also agree membership of the Planning Sub-Committee. The Board may also be required to consider changes to membership of its other committees.

**Recommendation**

11. **The Board is asked to choose which planning committee structure it wishes to operate.**