



For Decision

Title: Review of Planning Enforcement Charter

Prepared by: Ed Swales, Monitoring and Enforcement Officer

Purpose of Report

1. To seek the Planning Committee's approval of the Planning Enforcement Charter for adoption and publication.

Recommendation

2. That the Planning Committee approve the Planning Enforcement Charter (**Appendix 1**) for the Cairngorms National Park Authority.

Background

3. Section 158A of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare an enforcement charter. The detailed requirements are included within Circular 10/2009: Planning Enforcement (**Appendix 3**).
4. A planning authority must keep their Charter under review and it must be reviewed and re-published every two years. More frequent reviews may be required if there are changes to the planning enforcement system or legislation that affect it. Scottish Ministers may also require the Charter to be reviewed on a more frequent basis.
5. Once the Charter is agreed by Scottish Ministers, the planning authority is required to publish the Charter on their website and copies are to be sent for display in public libraries within the planning authority area.

The Planning Enforcement Charter

6. The first Cairngorms National Park Authority (CNPA) Planning Enforcement Charter was originally approved by the Planning Committee in June 2009 and the Charter has been regularly reviewed thereafter. The Planning Committee agreed to review the Charter annually as a matter of good practice. The current Enforcement Charter



was approved by the Planning Committee in December 2023 and subsequently adopted following approval by Scottish Ministers. It is available on the CNPA's website at <http://cairngorms.co.uk/park-authority/planning>

7. The current Enforcement Charter is considered to remain fit for purpose, clearly and concisely explaining the way CNPA will carry out the planning enforcement function within the planning service and within the context of the other five local planning authorities. There have been no relevant legislative or procedural changes since the Charter was last reviewed in 2023. It has been used frequently to refer members of the public to when they make enforcement enquiries, where the Charter's clarity and simplicity is helpful.
8. It is therefore recommended that the CNPA Planning Enforcement Charter be approved by the CNPA Planning Committee without modification, and that it be submitted to the Scottish Ministers for approval, prior to formal adoption and publication on the website.

Next Steps

9. Once agreed by the Planning Committee, the Enforcement Charter will be sent to the Scottish Ministers for approval. Once approved, the Charter will be published online, and copies will be sent for display in all the public libraries within the National Park.

Appendices

1. Draft Planning Enforcement Charter
2. Cairngorms National Park Authority Enforcement Register
3. Circular 10/2009: Planning Enforcement

Ed Swales

edwardswales@cairngorms.co.uk