
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: REVIEW OF PLANNING ENFORCEMENT CHARTER

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Purpose of Report

To inform the Planning Committee of proposed changes to the Cairngorms National Park Authority Planning Enforcement Charter and seek approval of its adoption and publication.

Recommendation

That the Committee approve the proposed Planning Enforcement Charter for the Cairngorms National Park Authority

Background

1. A report outlining an annual review of planning enforcement was presented to the Planning Committee on 18 December 2015. The paper included a reviewed Planning Enforcement Charter. The Committee noted the report for information and agreed the direction of travel for the proposed Planning Enforcement Charter. It was agreed that this would be brought back to the Committee for approval.
2. Section 158A of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare an enforcement charter. Detailed requirements are also included within Planning Circular 10/2009: Planning Enforcement and guidance has been issued through the publication of a model charter as an example of the sort of information the Charter should contain. Planning Authorities are free to adapt the format and the content to suit their own requirements, providing that their Charter contains the required information to meet the criteria set out as being a publicly available document setting out:
 - a) how the enforcement system works, in particular the role of the planning authority and the service standards it sets itself;
 - b) the policies for taking enforcement action;
 - c) how members of the public can report breaches to the planning authority;
 - d) how the public can complain to the authority about how they take enforcement action; and
 - e) the complaints procedure.
3. A planning authority must keep their Charter under review and they must be upgraded and re-published at least every two years. More frequent reviews may be

required if there are changes to the enforcement system or legislation. Scottish Ministers may also require it to be reviewed.

The Planning Enforcement Charter

4. The Cairngorms National Park Authority (CNPA) Planning Enforcement Charter was originally approved by the Planning Committee in June 2009 and a review was last undertaken in September 2014. The current charter is available on the CNPA website at <http://cairngorms.co.uk/park-authority/planning/>. Although there have been no changes in the enforcement legislation, CNPA staff have changed, local authority enforcement staff have changed, and a refresh of the Charter is needed to provide more accurate information and provide it in a more easily understood form.
5. The CNPA works in partnership with the five local authorities planning services in the National Park. Each service has its own Enforcement Charter covering their respective geographic areas and activities. Each Charter applies the template set out in the Scottish Government's guidance.
6. Although officers have considered a single Planning Enforcement Charter for the National Park, we think this would take a long time to achieve. Each planning service has slightly different service standards, different corporate priorities and different resources and pressures. Given that planning enforcement powers are discretionary and may be applied slightly differently, we don't consider a single charter would be achievable at this point in time. Instead, we have reviewed the current CNPA Charter with a view to explain the roles of the different planning authorities more clearly, while drawing on the common ground between all of them.
7. The proposed Charter is included as Appendix I. We have prepared it in the form of the Cairngorms Planning Advice Note series to make it consistent with other planning service publications, including our Planning Service Charter that covers all the activity of the CNPA's planning service. The proposed Charter has been significantly edited to make it simple, more concise, easier to read and accurately reflect the roles of local authority enforcement teams as well as the CNPA.

Next steps

8. Once agreed by the Planning Committee, the Charter will be published, copies sent to the Scottish Ministers and a copy sent to public libraries.

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Appendices

- I. Draft Planning Enforcement Charter