

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: PROCEDURE FOR OFFERING COMMENTS TO LOCAL AUTHORITIES ON PLANNING APPLICATIONS WHICH HAVE NOT BEEN CALLED-IN

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Purpose

This report has been prepared to provide the Planning and Development Control Committee with a procedure for preparing, considering and communicating comments to Local Authorities on planning applications which the CNPA has not called in.

Recommendations

That the committee approves the recommendations in paras 1 to 7 as the normal procedure for drawing up and submitting comments on planning applications which have not been called in.

Executive Summary

As the Committee are aware, it is important that decisions on whether or not to call in planning applications are based purely on the issue of whether a particular proposal raises issues of “general significance” for the CNPA. Those judgements must not be influenced by opinions on the merits of the proposal and whether it should ultimately be approved, with or without conditions, or refused. Maintaining a strict separation between those assessments can be difficult in cases where the CNPA has decided not to call in an application but wants, nevertheless, to offer comments to the Local Authority which will ultimately determine the application. This report contains recommendations which will help to maintain the necessary degree of separation.

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Discussion

1. In the normal course of events, planning applications fall into two categories:
 - (a) Those to be called-in and determined by the CNPA because they raise issues of general significance for the Park aims, and
 - (b) Those which raise no such issues and will be determined by the relevant local authority.

However, during the course of preparing the Protocol, it was recognised that there may be occasions when, in relation to category (b), the CNPA wish to pass a comment for the Local Authority to take into account when making its decision. Conversely, in relation to category (a) a Local Authority may wish to offer a comment for the CNPA to take into account when making its decision.

2. I do not think there will be many occasions when the CNPA will find it appropriate to make comments since, broadly, if comments were worth making they would probably justify a call-in but that might not always be the case and it is important to have a clear procedure which avoids, in particular, any risk of mixing the process of making call-in/no-call-in decisions with that of forming reasoned judgements - with the benefit of all the relevant information - about the merits of applications.
3. To maintain a strict separation between those parts of the committee's business, I recommend that in dealing with items on the agenda requiring call-in/no-call-in decisions it never be the practice to advocate making comments to the relevant Local Authority about how it should deal with an application. To do so would involve having, partly or wholly, an opinion on what the outcome should be and, therefore, be open to the criticism that a judgement had been reached without adequate information in relation, for example, to consultation responses, objections and officer assessments.
4. Therefore, on the basis that a proposal to make comments on an application may come either from a Board Member or Official, I recommend that the following procedures be followed.

From a Member

5. Provision will be made on each agenda for consideration of the need to submit comments on applications which the committee, earlier in the meeting, has decided not to call-in. A member advocating comments on a particular application will describe, broadly, the issue which justifies a comment and, if the committee agrees, officers will be instructed to bring forward a short report to the next committee with a review of the issues and suggested wording for the comments. Subject to approval, the comments will then be sent to the determining authority.

From an Official

6. If the Planning Manager is recommending “no-call-in” for an application but considers that there is a case for offering comments, a report explaining the issues and containing recommendations on the suggested wording for the comments will be on the agenda for discussion by the Committee after the conclusion of its consideration of the Call-in Report.

7. As the process of preparing, considering and communicating comments may take at least one committee cycle there is a risk that the determining authority will have made a decision on the application before our comments are received and this is most likely in relation to minor householder applications many of which will be determined by officials using delegated powers. Our staff will advise their counterparts in a Local Authority that comments may follow a “no call-in” decision in these instances, but, because of the need to meet performance targets for processing applications, a delay in decision making may not be possible. This will not be a serious weakness in the procedure I have recommended above if, as I would encourage them to do, the committee refrains from taking an interest in minor house alteration/extension applications in any but this most sensitive locations.

Denis Munro
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