
CAIRNGORMS NATIONAL PARK AUTHORITY

- Title: CNPA RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATIONS ON:**
- **FEES FOR PLANNING APPLICATIONS;**
 - **DEVELOPMENT DELIVERY;**
 - **DEVELOPMENT PLAN EXAMINATIONS;**
 - **MISCELLANEOUS AMENDMENTS TO THE PLANNING SYSTEM;** and
 - **GENERAL PERMITTED DEVELOPMENT ORDER.**

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PURPOSE

This report is to inform Members of the background and general content of 5 Scottish Government Consultation Documents on various aspects of the planning system, highlight aspects of particular relevance to the National Park and recommend the terms of the CNPA response. A full account of the background, details of the individual consultations, and suggested responses to the large number of individual questions being asked is contained in Appendix I to this report.

BACKGROUND

1. The planning system in Scotland has been going through a transition over the last 10 years as a result of the Scottish Government's Modernising Planning agenda. The 2006 Planning Act introduced wide ranging reform to both development planning and development management with a series of radical changes. These have been introduced via secondary legislation over the last few years with the aim of streamlining the system to make it more efficient and give greater certainty via the local development plan, hierarchy of development types (local/major/national) and increased focus on pre-application procedures.
2. The CNPA along with other planning authorities, the key agencies and the development sector signed up to Delivering Planning Reform in 2008 with all parties undertaking to "do their bit" to make the planning system work to deliver sustainable economic growth for Scotland. Our annual Service Improvement Plans came out of that process with the aim of improving year on year by involving and listening to all users of our service.

3. The process of reform is ongoing and, as an example, the proposed Service Improvement Plan for 2012-13 (also on this agenda) is based on headings for packages of activity in the new Planning Performance Framework agreed by Heads of Planning Scotland and Scottish Government. This in turn is supported by the development sector and the commitment to provide consistently effective planning services across Scotland form the basis of the proposals by Scottish Government to increase planning fees.
4. The potential changes to planning fees and other issues were picked up by Derek Mackay MSP, the Planning Minister, when he made a statement to the Scottish Parliament on 28 March 2012 that set out the Scottish Government recently set out a series of proposals for the future reform of the planning system in Scotland. This formed the basis for 'Planning Reform – Next Steps' published in March 2012 - a package of proposals intended to assist "*the planning system to reach its potential in supporting economic recovery.*" It recognises progress made to date, but highlights the dramatic changes in the economic context since the reforms were originally drawn up and planning system has to be "*more efficient, effective responsive and agile to meet the challenges ahead.*" Key priorities for the next stage of planning modernisation are:
 - Promoting the plan led system;
 - Driving improved performance;
 - Simplifying and streamlining processes; and
 - Delivering development.
5. Appendix I sets this out in considerable detail, but the bottom line is that, whilst the planning system is better, it has to be better still, especially in the current economic climate. A lot of the necessary improvements relate to culture change with all involved in the planning process working together more effectively and taking responsibility for their respective parts of the process. Scottish Government does, however, recognise that certain aspects of the planning system require legislative change to make them work more effectively and in some instances to address some unintended consequences of legislation that has been introduced in recent years. Hence the 5 consultation documents:
 - Fees for Planning Applications;
 - Development Delivery;
 - Development Plan Examinations;
 - Miscellaneous Amendments to the Planning System; and
 - General Permitted Development Order

THE CONSULTATIONS

6. Full details of the consultations and recommended responses to individual questions within them are contained in Appendix I. This section of the report highlights the thrust of each consultation and the main issues from a CNPA perspective.
7. **Fees for Planning Applications** – planning fees do not cover the cost to authorities of providing the service, it is proposed that fees should increase to better reflect that cost whilst linking the increase with improved performance measures against the new Planning Performance Framework. *Main points for CNPA are:*
 - (a) *Support the principle of raising fees and linking them to performance, but draw attention to fact that because of planning arrangements in the Park we only receive a proportion of the fee from the local authorities regardless of the cost of processing the applications: the costs of the service will therefore not be covered.*
 - (b) *Support reduced fees for renewal of permission in the current economic climate and suggest further reduction to 30%.*
8. **Development Delivery** – development contributes to economic growth and in the current climate measures are needed to stimulate development, get movement on “stalled sites” ensure that the planning system supports delivery of development and infrastructure. *Main points for CNPA are:*
 - (a) *The statutory planning system in the Cairngorms National Park presents a challenge as it has built in inefficiencies for the development management function, but we work extremely actively with others within that context to strongly support development delivery.*
 - (b) *It is important not to look at planning in isolation, but to pursue an integrated approach as promoted by the National Park Partnership Plan and work closely on a range of activity with partner local authorities, Cairngorms Business Partnership, communities and key agencies.*
 - (c) *The Park is an ideal location to pilot innovative solutions on housing delivery and combining consents (e.g. planning permission and CAR licencing for hydro schemes)*
9. **Development Plan Examinations** – this consultation is looking at some of the issues resulting from experience of the 2006 Act arrangements in operation. A particular focus is the binding nature of the Reporter’s recommendations, which can include additional housing sites for example, and how this fits with accountability of elected members and involvement of local stakeholders. As yet we have no direct experience of this part of the new process and this is reflected in the suggested response set out in Appendix I. *Main points for CNPA are:*
 - (a) *We want to see an examination process that leads to a swift completion of the plan, but it has to be independent, transparent and build confidence for all involved in the process whilst reflecting local democratic and stakeholder views.*
 - (b) *Within that context we do not consider any of the options put forward in the consultation necessarily provide a better situation than exists.*

10. **General Permitted Development Order** – this refers to the range of development that can be carried out without requiring planning permission. Having already extended the range of householder permitted development, it is now proposed to do likewise with non-domestic development. The proposals involve several new classes of permitted development (e.g. extensions to shops/offices, vehicle charging points) subject to caveats on size and not on road frontage etc. Permitted development for private ways including for agriculture and forestry. *Main points for CNPA are:*
- (a) *It is proposed to remove permitted development rights across Scotland for private roads and ways (i.e. tracks) including for agriculture and forestry. CNPA welcomes this as it gives absolute clarity and means that poorly designed and located hill tracks that have caused serious concern over the years would no longer be justified on such grounds.*
 - (b) *In welcoming these provisions CNPA considers that there can be further rationalisation (as set out in Appendix 1) to add to clarity and reduce ambiguity.*
 - (c) *In several other new classes it is proposed to include National Parks and National Scenic areas in the list of exclusions. It is considered that permitted development rights should not automatically be excluded because the location is within such an area, particularly where the development will support small businesses and contribute to the sustainable economic and social development of the area's communities. Following careful assessment it is considered that there should be a proportionate approach and there is no reason why several of the classes should not apply without exclusion to the Cairngorms National Park and the NSAs within it. Again the detail is set out in Appendix 1.*
11. **Miscellaneous Amendments to the Planning System** – this consultation is mainly focused on addressing some anomalies and unintended consequences arising from the introduction measures in the 2006 Act and the impact this has on enabling development delivery. These include addressing the need to follow formal pre-application consultation when applying for matters specified in conditions on major applications, advertising applications when the owner of neighbouring land is unknown, procedures for delegation of small scale planning authority developments, ability to mutually agree extended timescales for Local Review Body cases, ability for Reporters to request addition minor information in appeals, remove requirement for formal applications for many matters specified in conditions. *Main points for CNPA are:*
- (a) *The CNPA welcomes and supports the package of modest measures that will fine tune aspects of the existing system and make it work more effectively.*
 - (b) *However, it does once again draw attention to the fact that some of the arrangements, for example for schemes of delegation and Local Review Bodies, apply to 33 of the 34 planning authorities, but do not apply to CNPA because of the arrangements for planning powers in the National Park. We will continue to work within that context to provide an efficient and effective planning service.*

CONCLUSION

12. These consultations result from a combination of experience of operating the arrangements under the 2006 Act and the need for the planning system to be able to respond more effectively to the serious economic situation that now exists.

13. The CNPA, as with other planning authorities across Scotland, has been working hard over the last few years to improve its planning service so that it is as responsive as possible to current circumstances and is delivering for communities and businesses. There has been significant progress with an adopted Local Plan in place, a replacement Local Development Plan well underway, a successful track record in approving high quality developments and a range of supporting measures including the Protocol with local authorities, the Developers Forum and Community Council Planning Network. These current consultations are a result of Scottish Government listening to planning authorities, developers and other stakeholders, and coming forward with a range of measures that have potential, as far as the planning arrangements for the National Park allow, to further complement and support the work we are already doing with our planning service.
14. It is therefore recommended that the CNPA response to Scottish Government on the 5 consultations is as outlined in Appendix I with regard to the specific questions, but this is accompanied by a letter to the Chief Planner drawing attention to the statutory planning arrangements that provide the context within which CNPA and the local authorities work, particularly with regard to the development management function in the National Park. This will enable us to highlight the good planning service that CNPA provides, the further improvements in the pipeline, and our desire to embrace the improvements that come from the consultations. It will also allow us to point to instances where recent legislation has not reflected our arrangements and ask that proper account is taken before new legislation is introduced.

RECOMMENDATION

15. **That Members of the Committee agree to respond to the Scottish Government Consultations as follows:**
 - (a) **Respond to specific questions as set out in Appendix I to this report.**
 - (b) **Response to be accompanied by a letter to the Scottish Government Chief Planner highlighting the statutory context for provision of the CNPA planning service and drawing attention to the matters referred to in paragraph 14 of this report.**

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