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CAIRNGORMS NATIONAL PARK AUTHORITY

Title: DEVELOPMENT CONTROL PROTOCOL

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Purpose

This report describes the purpose and scope of a Development Control Protocol which officers of the Scottish Executive, CNPA and constituent authorities have drawn up.

Recommendations

That the Protocol be approved subject to a similar resolution being made by each of the constituent authorities, failing which a further report be submitted to a future meeting describing any points of disagreement and a suggested response.

Executive Summary

The Protocol described in this report will be the principal source of guidance to the CNPA, the constituent authorities and all parties with an interest in the development process on the handling of planning applications, particularly the timescales and procedures, which are called in by the CNPA. It will also provide a working framework for related “split” functions in relation to trees and enforcement.

It is stressed that the Protocol will only be a source of guidance on how applications are to be processed - not what the decisions will be. In other words, it describes procedures, timescales for exchanges of information, call-in arrangements and notification of applicants but decisions on whether to approve or refuse applications will be made by reference to separate policy documents such as the relevant Structure Plan, Local Plan or approved non-statutory guidance. It also includes some indication of the types of application which might be called in. This is for general guidance only at this stage, and will be for the CNPA to decide on a case by case basis.

If the Board is satisfied with the document it will be used, primarily, for development control purposes and reviewed within the first year of operation in the light of experience.

DEVELOPMENT CONTROL PROTOCOL

Background

1. Dealing with planning applications is likely to be the most “high profile” of the CNPA’s planning powers. It is also the most time-pressured in the sense that it is an activity for which central government has set a number of performance indicators governing time periods within which planning authorities are expected to make decisions on applications. The CNPA will, I am sure, want to make decisions expeditiously and not be seen as the cause of adding to the timescales in which decisions are reached.
2. As members are aware, the CNPA will be dealing only with a relatively small proportion of the planning applications submitted for sites within the Park boundary, although it is likely that these will raise the most complex issues. As a general rule, they will take longer to deal with than, say, the vast bulk of applications of the “householder” type. To assist the process of making efficient and timely decisions it is imperative to have the clearest possible understanding about the attendant procedures and timescales needed to make the system work and the circumstances in which the CNPA will use its call-in powers. To that end, a working group of officials from the Scottish Executive, the four constituent authorities and the CNPA have produced the attached Protocol with the intention that it be approved by the CNPA and each of the Local Authorities as a source of broad guidance on the working arrangements for the call-in procedure and the other planning functions which are “split” between the CNPA and the Local Authorities - Enforcement and Trees. It is not in any sense a “policy” document that will help either the CNPA, or the Councils, to decide what the outcome of any application should be.
3. The Protocol is considered by officials to be a good framework for the CNPA’s principal planning powers - other than local planning - subject to the following caveats:
 - (a) it will be kept under regular review and modified in the light of experience,
 - (b) it cannot cover all circumstances and should not be interpreted in a “legalistic” way, and,
 - (c) needs to be supported by a more detailed Procedures Manual which will enable officials operating the system on a day to day basis to give effect to the broad principles in the Protocol. The Procedures Manual will be complete shortly and although it is technical and detailed in its nature it may be inspected by members if they wish.
 - (d) The decision to call in an application (or not) is a matter for the CNPA alone.

The Next Steps

4. During the course of this month, and early next month, each of the Local Authorities will, for their interest, consider the Protocol in its present form and I will, of course, report back to the Board any comments received. The Board may therefore want to reserve its final position until that exercise is complete but if it is broadly satisfied with the content I will notify the Local Authorities and the Scottish Executive to that effect.

5. On the assumption that the Board and each of the local authorities approve the Protocol, I think it would be helpful to make it available to Community Councils, professional advisors who come in contact with the development process (e.g. architects and surveyors) and indeed any group or person who is interested in this aspect of the CNPA's work. The Board may wish to consider whether this should be done in a "passive" sense of responding to individual requests or whether it needs to be, for example, publicly advertised or even sent to people and organisations.
6. The intention of the Working Group who prepared the Protocol is that it be "tested" during the course of August so that the staff in the Councils, and the CNPA, can get some practical experience of the procedures before the 1st September. After that date, it will, of course, be the single most important source of guidance on the working arrangements for dealing with planning applications.
7. I am attaching, as an annex to this report, a diagram showing the general process and timescales governing the handling of all planning applications - whether or not they are called-in. This is not part of the Protocol but may serve as a handy summary of the key points of the Protocol.

Denis Munro
23rd May 2003

