

## CAIRNGORMS NATIONAL PARK AUTHORITY

### PLANNING WHITE PAPER – ‘MODERNISING THE PLANNING SYSTEM’

#### SUGGESTED BASIS FOR CNPA RESPONSE

	PROPOSAL	CNPA COMMENTS
	<b>FIT FOR PURPOSE</b>	
1	A new <b>hierarchy</b> for planning to enable prioritisation and the use of resources, clarify what are national and local issues and look at scope for further exemption for minor developments	SUPPORT IN PRINCIPLE  Have comments on some of the detail of various levels within the hierarchy as set out below.
2	<b>National Planning Framework</b> – the second NPF to be published in 2008 will expand the policy context of the first NPF and will place more emphasis on implementation. It will be closely linked to the Infrastructure Investment Plan and will provide a stronger context for development plans and planning decisions, particularly those on national developments (see below).	SUPPORT IN PRINCIPLE  So long as adequate regard is had both for the needs of and impact on National Parks when establishing national priorities for infrastructure investment. When drafting the NPF the Scottish Executive should consult with the CNPA on any policies or proposals that might affect its area.
3	<b>National Developments</b> – legislation to define national development to be called-in by Scottish Ministers, where appropriate. These are likely to include major transport, water and drainage, energy and waste infrastructure projects, major areas of urban regeneration or expansion and large strategic business or industrial investments. The NPF, however, will provide a context for other	SUPPORT IN PRINCIPLE  However, the legislation that defines national development to be called-in by Scottish Ministers should also set out the open process by which such applications will be determined.

	<p>major developments which are promoted through other consent regimes (e.g. Electricity Acts and Roads Acts). The application process for national developments which require planning consent is set out in detail in Appendix 3 of the White Paper.</p>	<p>The procedures in Appendix 3 must allow for CNPA to call-in such applications (rather than leave them with the local authority) and then follow the process as set out.</p> <p>If a national development under the Electricity Acts is proposed in the National Park, the CNPA should be a statutory consultee.</p> <p>If the CNPA raises objections or concerns that cannot be addressed to its satisfaction there should be an automatic public inquiry.</p>
4	<p><b>Major Developments</b> – the white paper focuses on a relatively small number of large scale developments which are not of national importance but which performance monitoring indicates are subject to excessive delays. It is proposed that more streamlined arrangements for smaller developments should leave more time to deal with major developments and that they should be the subject of processing agreements between the applicant and planning authority involving timetabling and enhanced fees, provided the timetable is met. Provision is also proposed for local hearings for such developments that are contrary to the development plan and attract significant objections.</p>	<p>SUPPORT IN PRINCIPLE</p> <p>Such developments require definition, particularly within a national park context.</p> <p>CNPA “calls-in” applications that raise issues of significance with regard to Park aims. By definition therefore it could be argued that they are all major, in terms of impact if not scale. We understand informally from the Scottish Executive that this is the case, but we would welcome confirmation. Likewise it has been indicated that all appeals in the National Parks will continue to be to the Scottish Executive Reporters’ Unit: a view which we support.</p> <p>Is the processing agreement signed prior to application? Is it with local authority, CNPA or both as the applicant will not know until after submission if it is to be “called-in”.</p>

		<p>How do we deal with default in processing agreements if it involves local authority, developer and CNPA?</p> <p>Obligations of statutory consultees should be extended to cooperation with processing agreements.</p> <p>Comprehensive guidance should be drawn up for local hearings and the type of objections that might trigger one.</p>
5	<p><b>Local Developments</b> – on the basis that development plans will provide a more robust framework for decision-making, the white paper proposes extensive delegation to officers for smaller scale developments which accord with adopted development plans. Delegation arrangements will be for local authority discretion but will be expected to include most cases which do not constitute significant departures from the development plan or require environmental impact assessment.</p>	<p>REQUIRE CLARIFICATION</p> <p>How will this work in the CNPA context where legal advice to date is that there can be no delegation, even to a smaller group of members? If CNPA cannot delegate, then it cannot produce the required scheme of delegation.</p> <p>Given that applications “called-in” are significant, it is not considered appropriate for decisions on refusals to be taken by officers.</p> <p>For delegation to work in the Park context it is considered that it should be restricted to a smaller group of members rather than officers. This will require revisions to National Parks (Scotland) Act to make it quite clear that delegation, as described, is allowed. Such delegation would extend to both “call-in” decisions and determination of planning applications.</p>

6	<p><b>Local Appeals</b> – for applications that fall within the terms of the scheme of delegation, the white paper proposes that appeals should now be determined by review bodies of locally elected members.</p>	<p>DO NOT SUPPORT</p> <p>As CNPA does not wish to have delegation to officers, and as applications determined raise issues of significance with regard to the aims of the <i>national</i> park, it is considered that the right of appeal should continue to be to Scottish Ministers.</p> <p>There may also be the potential for local developers to prefer a local appeal as they may perceive a greater chance of success with a local panel than with the Scottish Executive.</p>
7	<p><b>Minor Developments</b> – a review of the General Permitted Development Order (GPDO) with a view to increasing permitted development rights (PD) is proposed, along with consideration of improved scope for use of Article 4 directions. The review will not, however, be confined to extending permitted development rights as it will also be concerned with simplifying the system. A handbook for householder developments is proposed. Any review of the use classes order will follow changes to the permitted development order.</p>	<p>DO NOT SUPPORT</p> <p>Whilst such moves may be welcomed over much of the country it is considered that it would not be appropriate in the context of a national park. The Park has been accorded its status because it is a special place, precious not only to the communities who live within it, but also to the nation.</p> <p>There is some concern at the cumulative impact on the Park of existing PD and the long-term effect of widespread, sometimes poorly conceived, small-scale developments. The landscape impact of developments such as vehicle hill tracks is also an increasing source of concern.</p> <p>CNPA would like the Scottish Executive to use the Bill and/or a review of the GPDO to remove certain categories of PD in national parks. We will be forwarding tangible evidence to support this request.</p>

		<p>There is no review of the Use Classes Order proposed. CNPA would ask that this be reconsidered and some thought is given, in national parks, to revisions to the use classes differentiating between a house that is a principal residence and a house that is a temporary/second/holiday home.</p> <p>CNPA has very limited planning powers. It is requested that consideration be given to a review of the powers available and, in particular, the ability, for example, to make Article 4 Directions, designate Conservation Areas, serve Building Preservation Notices, and designate an Area of Special Control for advertisements.</p>
	<b>EFFICIENCY</b>	
8	<b>Strategic Environmental Assessment</b> – will ensure a more rigorous and transparent approach to development planning.	<p>SUPPORT</p> <p>SEA is supported, but it requires specialist staff and is a very time consuming process. Adequate resources are therefore essential.</p>
9	<b>Culture Change</b> – amongst all stakeholders, especially local authority managers and elected members, towards the key role of development plans.	<p>SUPPORT</p> <p>CNPA appreciates the key role of the development plan and that is why the preparation of the Cairngorms National Park Local Plan was an early priority. As well as identifying culture changes required in local authorities, there should be greater recognition that the development sector also has to respect and engage with the development plan process.</p>

		This requires a wider culture change than that described in the White Paper.
10	<b>Development Plan Reviews</b> – a statutory provision to require development plans to be replaced within five years of adoption, avoiding the need for interim alterations.	<p>SUPPORT IN PRINCIPLE</p> <p>This is good practice and should be happening anyway. Lack of resources and an over-complicated process have caused difficulties for local authorities over the years. Adequate resources and continuing engagement with all involved in the process should enable CNPA to comply.</p>
11	<b>Strategic Development Plans (City Region Plans)</b> – confirmation that a strategic level of plans will only be required for the four city regions, more streamlined than structure plans but based on the existing management model in Glasgow and the Clyde Valley and in Ayrshire. The white paper contains a map showing the local authorities which will be invited to collaborate over the four plans. They will be subject to public examination. Local DPs in rural areas to include spatial strategy.	<p>REQUIRE CLARIFICATION</p> <p>Depends on whether parts of the Cairngorms National Park are included in the Aberdeen or Dundee City Regions. We understand informally from the Scottish Executive that the Park will not be included in the City Regions. Early confirmation of this would be welcome.</p> <p>From a strategic point of view it would be a more logical and tidier solution, having dispensed with the 4 structure plans, to create a planning framework within the Park that consisted solely of a strategic steer from the National Park Plan combined with the more substantial Cairngorms National Park Local Development Plan.</p> <p>If part of the Park is to be in the City Regions then the CNPA has to be a partner in this process along with Aberdeen City/Aberdeenshire Councils and Angus/Dundee City Councils.</p>

		Should it transpire that inclusion in City Regions is a possibility, then mechanisms are required to deal with a situation where the other authorities may wish the City Region to embrace parts of the Park, but CNPA is not in agreement.
12	<b>Local Development Plans (LDP)</b> – the existing structure plan(s) and local plan will be replaced by a single tier local development plan which will have a degree of strategic context as well as detailed land use planning policies. In the city regions the Strategic Development Plan will also provide strategic context. Appendix 5 states that the LDP will link closely with National Park Plans which will cover the overall management and co-ordination of functions in the National Park and it is stated that this does not require any legislative change.	<p>SUPPORT IN PRINCIPLE</p> <p>Given the specific statement regarding the role of the National Park Plan, it is clear that it would not aid clarity to also take direction from a City Region Plan.</p> <p>A more specific statement is needed on how the National Park Plan can provide strategic context for the LDP without actually being referred to in legislation.</p> <p>It could perhaps be possible to refer to the role of the National Park Plan in the Planning Bill, and accord it some more formal planning status, without actually changing existing legislation.</p>
13	<b>Development Plan Scheme</b> – an annual published programme for producing and reviewing development plans by local authorities.	<p>SUPPORT</p> <p>Good practice.</p>
14	<b>Development Plan Process</b> – focus on early engagement on a key issues report, moving directly to a final “proposed plan”.	<p>SUPPORT IN PRINCIPLE</p> <p>CNPA supports ongoing engagement with communities and other stakeholders, but would ask that the stages and form of the process should not be prescriptive. For example, CNPA has consulted with communities prior to embarking on any local plan work.</p>

		This has helped to identify issues and has in turn led to further iterative consultation on the policies and proposals that will address the issues. Planning authorities should not identify the issues in isolation. The eventual outcome is the finalised plan. It is therefore important to view plan preparation as an ongoing process rather than stages or a series of events.
15	<b>Community Engagement</b> – a Planning Advice Note is proposed to collate best practice on community engagement.	SUPPORT IN PRINCIPLE  See above. Welcome the opportunity to learn from experience elsewhere, but would urge that advice is not prescriptive.
16	<b>Statutory Consultees</b> – public agencies such as SNH, SEPA, LECs and Scottish Water will be designated statutory consultees for development planning and will be required to engage in the process.	SUPPORT IN PRINCIPLE  Much of this already happens in practice, but the <i>requirement</i> to engage in the process will ensure that vital information, on infrastructure capacity for example, is made available at an early stage in plan preparation. Suggest that the list of statutory consultees also includes local authorities, LECs, Communities Scotland, GRO and others who can supply information and projections on housing/employment needs etc.
17	<b>Form and Content</b> – greater prescription of the form and content of the plans is proposed, as well as an enhanced status for supplementary guidance. Model development plan policies will be developed.	REQUIRE CLARIFICATION  There is reference to making plans accessible to local people, and that they should be fit for purpose. Such statements indicate that plans should reflect local



		<p>circumstances, so there is concern if greater prescription contradicts this intent by resulting in bland “anywhere” plans. There is support for brevity and clarity and a certain amount of definition of issues to be covered, but excessive prescription defeats the object of enhanced community engagement.</p> <p>Concern at extensive use of model policies and impact on local identity. If policies are to be applied across the country it may be more appropriate for them to be reflected in Scottish Planning Policy documents.</p> <p>Enhanced status of supplementary planning guidance, with statutory consultation, is welcomed.</p>
18	<b>Consultation Statements</b> – a report on public engagement for each development plan.	<p>SUPPORT IN PRINCIPLE</p> <p>This is good practice.</p>
19	<b>Public Examination and Adoption</b> – mandatory development plan examinations to be carried out by SEIRU appointed reporters, rather than those appointed by the planning authority. Reporters’ decisions to be binding subject to criteria for local authorities to seek agreement of Scottish Ministers to depart from them.	<p>QUALIFIED SUPPORT</p> <p>There will be a mandatory examination of plans where objections are not resolved. Clarification is required of the kind of objection that can trigger an inquiry otherwise a single, vexatious objection might delay progress on a plan that otherwise has community support.</p> <p>If the conclusions of SEIRU Reporters are to be binding it is imperative that Reporters take true account of policies and proposals that result from a process of ongoing community consultation.</p>

		In the case of CNPA, Reporters will also have to recognise that the 4 aims of the Park contribute to the content of the plan.
20	<b>Action Programmes</b> – two yearly action programmes to be prepared. <i>What is to be done, who is to do it, when will it be achieved.</i>	SUPPORT IN PRINCIPLE  This is a positive development that will enhance the need for monitoring the plan and will inject added purpose and certainty. It will also reflect and inform the National Park Plan.
21	<b>Approval in Principle</b> – to be conveyed automatically with certain development plan proposals.	SUPPORT IN PRINCIPLE  If this is to be pursued it is imperative that the plan sets out the parameters in the form of a development brief. Guidance on this would be useful.  CNPA would support a move to do away with outline planning applications, certainly in National Parks where it is considered that Conservation Area standards should also apply.
22	<b>Development Control</b> – to be <b>Development Management</b>	SUPPORT  Many practitioners have been using this term for years as the word “control” has such negative connotations and planning is essentially a positive activity seeking to deliver on behalf of communities.

23	Further development of <b>E-planning</b>	<p>SUPPORT IN PRINCIPLE</p> <p>Needs funding and continued commitment to achieve national standards. Any statutory requirements will have to take account of CNPA's unique planning set up. Important to have consistency across the country.</p>
24	<b>Planning Agreements (Section 75s)</b> – a review of their scope and requirement for them to be placed in the public domain.	<p>SUPPORT IN PRINCIPLE</p> <p>CNPA supports measures that enhance openness of the planning process.</p>
25	<b>Standard Application Forms</b>	<p>QUALIFIED SUPPORT</p> <p>As long as not totally prescriptive. There should be scope to allow for additional questions, perhaps on a separate form, that are necessary because of local circumstances e.g. applicants' assessment of compliance with 4 aims of the Park. Also consider a review of the content and include mandatory questions on, e.g., whether a developer proposes to fell trees.</p>
26	<b>Appeal Period</b> – to be reduced from six months to three months.	<p>SUPPORT IN PRINCIPLE</p>
27	<b>Power to Decline</b> – to determine repeat applications within two years.	<p>QUALIFIED SUPPORT</p> <p>This will be discretionary. How will this work if the local authority accepts and registers an application that CNPA would have declined to accept?</p>

		Although not mentioned in the White Paper, consideration should also be given to extending the power to decline to circumstances where the quality of supporting information with an application is judged to be unacceptable.
28	<b>Statutory Duration</b> of planning consents to be reduced to three years.	SUPPORT IN PRINCIPLE
29	<b>Advertising of Weekly Lists</b> – to be mandatory	SUPPORT IN PRINCIPLE  The aim of this is to enable greater access to details of planning applications. Procedures will therefore have to take account of the fact that CNPA may call-in applications and direct people accordingly.
30	<b>Notified Applications (to Scottish Ministers)</b> – conditional clearance as an alternative to call-in to be introduced.	SUPPORT IN PRINCIPLE
31	<b>Mezzanine Floors</b> – planning control to be introduced	SUPPORT IN PRINCIPLE
32	<b>Managing Change in the Historic Environment</b> – proposal to combine consent procedures	SUPPORT IN PRINCIPLE  There is obvious linkage between managing change in the historic environment and the cultural heritage aspect of the first aim of the Park.

		It therefore makes sense to combine consent regimes, but this should also be in tandem with giving CNPA the additional powers in respect of protecting the historic environment referred to in 7. above
33	<b>Tree Preservation Orders</b> – proposals to be brought forward to enhance their effectiveness.	QUALIFIED SUPPORT  CNPA would wish to be consulted on the content of these proposals before they are formalised.
	<b>WIDENING INCLUSION</b>	
34	<b>Information Campaign</b> – to publicise existing and future rights in planning over the next twelve months.	SUPPORT IN PRINCIPLE  CNPA has a policy of openness and active community engagement in planning issues. We are keen to play a role in further raising awareness within the Park.
35	<b>Appeals Screening</b> – early refusal process for appeals which do not address the reasons for refusal or do not comply with an up to date development plan.	SUPPORT IN PRINCIPLE  This is a welcome development.
36	<b>Grounds of Appeal</b> – appeals to be dealt with on the basis of the material originally supplied to the planning authority only.	SUPPORT IN PRINCIPLE  In addition CNPA would ask that Reporters give considerable weight to the role of the 4 aims of the Park in planning decisions and look at all appeals in that context.

37	<p><b>Pre-Application Consultations</b> – applicants to engage with local people for major developments, EIA cases and significant bad neighbour departures from the development plan.</p>	<p>QUALIFIED SUPPORT</p> <p>Clarification is required of how this process is to be facilitated and how the CNPA is to be involved. It will have to be an open and genuine process where the community feel that they are able to influence the development and are not browbeaten by the developer.</p>
38	<p><b>Neighbour Notification</b> – to transfer from applicants to planning authorities and to apply to service of enforcement notices.</p>	<p>DO NOT SUPPORT</p> <p>This move is an abdication of responsibility for applicants. The White Paper is encouraging developers to engage with communities prior to applications being submitted. It is therefore illogical to take away an existing obligation that is surely part of that engagement process.</p> <p>Notification of neighbours will have serious resource implications for planning authorities and will divert staff from delivering real improvements in the quality of both service and outcome. It is also likely to give rise to an increase in complaints to the ombudsman. The English planning system places the obligation with planning authorities and the implications are well documented: it is also a fact that English planning professionals view the Scottish practice with envy.</p>

		<p>If this proposal does proceed it is important that local authorities carry out neighbour notification at the time of registration of applications. This then raises the question of, once an application has been called-in by CNPA, who bears responsibility for the accuracy of the original notification?</p> <p>Strict criteria will be required for notification, in rural areas in particular, where landownership may not be obvious. If CNPA has to re-notify for revised plans etc. there will be serious financial and staffing implications.</p> <p>The process will be expensive and time consuming: having introduced the new obligation on planning authorities, the Scottish Executive should establish and maintain a national comprehensive online register of ownership and tenancy.</p>
39	<p><b>Development Plan Owner, Occupier, Neighbour Notification</b> – to apply to certain local development plan proposals.</p>	<p>QUALIFIED SUPPORT</p> <p>Extensive and ongoing local plan consultation should address much of the need for this, but it is accepted that this proposal would further engage those who may be specifically affected and who, for whatever reason, have had no involvement in the plan. Comments on resources and need for online register also apply here.</p>

40	<b>Public Local Inquiries</b> – Appendix 7 contains a list of streamlining proposals.	SUPPORT IN PRINCIPLE  CNPA supports measures that allow greater access to the system including greater use of hearings and written submissions.
41	<b>Greater Use of Hearings</b> – at local level, especially for departures from the development plan and EIA cases where there are significant objections. Executive to define when appropriate and how hearing should be conducted.	SUPPORT IN PRINCIPLE  CNPA supports as long as there is a definition of “significant objections” and the format of hearing is allowed to reflect local circumstances and not be prescriptive.
42	<b>Community Engagement</b> – to be a material consideration in development plan and planning appeal inquiries.	SUPPORT IN PRINCIPLE  CNPA supports this move: it accords with our policy of openness and full engagement with communities and other stakeholders.
43	<b>Enhanced Scrutiny</b> – for development plan departures and EIA cases.	QUALIFIED SUPPORT  One of the levels of scrutiny involves having a decision taken by Planning Committee to grant permission to be referred to Council as a whole. Given that CNPA Planning Committee is same as Board, in CNPA could we ask that there is no need for referral to Board.



		Once the Cairngorms National Park Local Plan is in place local authorities will take decisions on non-call-in applications in accordance with it. In such instances it is requested that any decision by either officer or Committee to depart from the plan must be referred on to CNPA from the local authority.
44	<b>Reasons for All Decisions</b> – reasons for all decisions, including approvals, to be given.	SUPPORT IN PRINCIPLE
45	<b>Schedule of Land Ownership</b> – local authority interests to be shown in development plans.	SUPPORT IN PRINCIPLE  It would be logical to extend this to all land owned by public agencies or authorities. As there will be a requirement to notify owners of all proposal sites, the schedule could be widened to include all ownership. There will be resource implications.
46	<b>Local Authority Interests</b> – “notice of intention to develop” procedure to be discontinued, all local authority interest cases to be the subject of planning applications.	SUPPORT IN PRINCIPLE  This would deal with an anomaly and allow CNPA to call-in local authority applications. Can this be extended to other public agencies as well as local authorities?
47	<b>Planning Agreements</b> – to be recorded in a public register.	SUPPORT IN PRINCIPLE

48	<b>Good Neighbour Agreements</b> – between developers and local residents to be a material consideration and established via condition or Section 75.	<p>QUALIFIED SUPPORT</p> <p>Clear guidance needed on the form and content of such agreements, where they would be appropriate, their legal status and how they would be enforced.</p>
49	<b>Inclusive Design</b> – a Planning Advice Note is proposed on the need to deliver environments that can be used by everyone regardless of age, gender or disability.	<p>SUPPORT IN PRINCIPLE</p> <p>Further comments on wider design issues in 53. below.</p>
50	<b>Planning Aid for Scotland</b> – continued support.	<p>SUPPORT</p>
51	<b>Rewarding Good Practice</b> – a Community Involvement category to be added to the Scottish Awards for Quality in Planning.	<p>SUPPORT</p>
52	<b>Enforcement</b> – a raft of proposals to raise the priority of enforcement including higher fees and default prosecution powers where no retrospective application is submitted upon request, increased penalties for ignoring a Planning Contravention Notice, temporary stop notices, curtailing appeal rights, start of development notices, mandatory Planning Enforcement Charters, restricted compensation liability, an update of PAN 54.	<p>QUALIFIED SUPPORT</p> <p>It is essential that the full range of enhanced powers is available to CNPA.</p> <p>The unauthorised development has to be clearly identified as an offence in its own right with commensurate penalties that will actively discourage such actions. There may be scope for enforcement notices to levy a heavy fine as well as specify actions to be taken to remedy the breach of control. This would act both as a deterrent and offset the costs of pursuing the breach.</p>

		<p>Whilst retrospective applications can in some cases be a mechanism for rectifying matters, the perpetrator should not be allowed to rely on it as a guarantee of escaping without paying a penalty.</p> <p>Planning authorities can spend a great deal of time and effort pursuing enforcement only to find that the Procurator Fiscal has other priorities and will not prosecute. For the public to have confidence in an enhanced enforcement system they need guarantees that the ultimate sanction will be taken if all efforts to remedy the breach fail. The Scottish Executive therefore has to ensure that Procurators Fiscal are instructed to take enforcement cases to their logical conclusion. Levying fines via enforcement notices may help reduce the PFs' workload.</p>
53	<p><b>Sustainable Development</b> – role of the plan led system in delivering sustainable development, role of SEA in preparing development plans, role of EIA in certain planning applications, enhanced public participation in these processes, high priority to improving design.</p>	<p>SUPPORT IN PRINCIPLE</p> <p>Sustainability is core to all activity in the Park. CNPA is carrying out SEA of its local plan, but would welcome guidance on how to take this further and tie it in with a full sustainability appraisal reflecting all of the Park's aims.</p> <p>The enhanced profile of quality in design is acknowledged, but it is considered that there could be a specific section on what is after all a critical issue. The Scottish Executive could spell out a requirement for developments to positively demonstrate what they will contribute to design in the widest sense – contribution to locality, innovation, use of local materials, energy/waste minimisation, water conservation, biodiversity etc.</p>

		<p>How is it proposed to secure good design in areas where there is a tradition of accepting the poor or mundane? Can the Bill add anything stronger than the existing guidance and statements that urge a culture change on this issue?</p>
	<p><b>ADDITIONAL CNPA ISSUE</b></p>	
	<p><b>Introduce a National Parks' Clause in the Bill</b> – the only reference to National Parks in the White Paper is a single paragraph as the end of Appendix 5. The Bill is an opportunity to look again at the planning powers available to CNPA in particular and also build in a mechanism for facilitating legislation that might be needed to address National Park issues in the future.</p>	<p>National parks are different from other planning authorities. They are not local government, but non-departmental public bodies. CNPA in particular has unique planning powers and, whilst there is active partnership working with the four local authorities, it has become evident since the Park's inception that there are gaps or anomalies in its planning powers. Specific examples have been referred to elsewhere in this response and others may crop up in the future.</p> <p>It is acknowledged that there is an existing undertaking in other legislation for a five yearly review of the Cairngorms National Park. Whilst this may be appropriate, for example, in terms of re-assessing the Park's boundaries, it is considered that measures should be in place, in a Planning Act, to allow planning issues to be addressed within a much shorter timescale. A lot of damage to the integrity of the Park can be done in 5 years and, once done, it cannot easily be undone.</p> <p>In some cases issues can be addressed with the other 4 authorities. There are others where the powers really should lie with CNPA. In such instances, rather than ask for a review of legislation that established the Park, there is surely scope for a clause in the new Planning Bill that would</p>

	<p>allow Ministers to direct by Order that certain planning powers will apply (or indeed not apply) in the Park.</p> <p>Such a clause could also be used to vary planning powers where national park status justified a variation. There would be no risk of precedent as there are only two national parks.</p> <p>Suggested possible wording:</p> <p><i>“The Minister shall by order provide for the application to the Cairngorms National Park and/or Loch Lomond and the Trossachs National Park of the provisions in Part?? of Schedule?? sections?? of the Planning (Scotland) Act 200? and/or [specify sections of other primary and secondary legislation as necessary].</i></p> <p><i>Before making such an order the Minister shall consult with the relevant national park authority(s).</i></p> <p><i>Any order may provide for the application of the provisions to the National Parks subject to such modifications as may be specified in the order.”</i></p>
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