

Cairngorms National Park Authority - PLANNING SERVICE WORKSHOPS 21st and 22nd March 2011 Planning Aid for Scotland Summary Report

1. Introduction

The Cairngorms National Park Authority (CNPA) Service Improvement Plan for 2010/11 included a proposal to convene a Planning Service Workshop to gather feedback about the overall service of the Authority. On the 21st and 22nd March 2011, the CNPA organised four Planning Service Workshops, which were facilitated by Planning Aid for Scotland (PAS).

The following report outlines the details and format of the workshops, followed by a comprehensive summary of the main points from each session.

PAS acted as facilitator in each of the workshops and the views recorded in this report are those of the participants attending the workshops.

2. Workshop

Monday 21st March 2011 – Cairngorm Hotel, Aviemore

Tuesday 22nd March 2011 – Albert Hall, Ballater

On each date there were 2 sessions:

- Afternoon session (15:00 – 17:00) – these were targeted at invited participants, a more technical audience (architects, developers, planning agents, etc) but were open to anyone who wished to participate
- Evening open session (18:30 to 21:00) for anyone interested in the Planning Service

Each session was facilitated and recorded by PAS.

3. Purpose and Aims

The purpose of each workshop was for CNPA and relevant partners to get together with anyone interested in the Planning Service (including Development Plans, Development Management and Enforcement) to discuss how it affects the National Park and how well the overall service works for interested customers.

By the end of the session...

- It was intended that participants would have...
 - an understanding of what CNPA and partners have done recently to improve the Planning Service and how that benefits the National Park
 - provided feedback back on the overall quality of Service and made some suggestions for improvements
 - an understanding of what other people think about the overall quality of Service
- CNPA and partners would have:

- explained about their work on service improvements
- a better understanding of what further improvements need to be made to make Planning Service work effectively for the National Park – this will help shape the next Service Improvement Plan

4. Workshop format

The workshops focused on the three main areas of the planning process:

- a) Development Planning
- b) Development Management
- c) Enforcement

While all three topics were discussed, extra time was allocated to Development Management as it was anticipated by CNPA that more issues would be raised relating to DM than the other two topics.

Each session commenced with the completion of H-Forms (please see appendices) based around the question of how well the three areas above are working for the Park. Following the completion of the H-Forms there was then open discussion.

5. Summary of Main Issues to come out of the Workshops

This section highlights the main issues to come out of the workshop sessions. While Section 6 below, and Appendices A-D, give a thorough account of all of the feedback received during the event, this section summarises those issues which were discussed in greater depth and which could be considered as the key issues arising from the sessions.

General:

One of the main points arising throughout the session was the confusion over the respective roles of the various planning authorities in the area ie Highland, Aberdeenshire, Moray , Angus and Perth & Kinross Council and the CNPA. It was suggested on numerous occasions that there should be a single planning authority for the Park.

Another issue which came up more than once was the role of CNPA Board members. It was felt that both with regard to development planning and development management, there is a need for them to get out and visit sites that they are making decisions on so that they can make more informed decisions. It was also felt that Board members should receive more training in planning and that this would help them to challenge planning officer's advice more.

There was a general feeling that communities and community councils are not listened to as much as they should be and that the whole system is developer-led. It is felt that at times, developers are helped through the system when community voices are ignored.

There was also a general feeling that there was a lack of communication between the CNPA and the public about planning generally and also that the public have a lack of understanding of the planning system.

Development Planning:

A key concern was that the development planning process is slow and needs to be speeded up. It was also suggested that as well as a formal review within the required timescales, there should be an annual review of policies to ensure that they are kept up-to-date and planning decisions are made against relevant policies.

Although people suggested that there are quite a lot of consultations and they get the opportunity to put their views forward, they do not feel that these views are always listened to. It was suggested that interactive consultation processes where people get to become actively involved in decision making is the way forward. There is a need to also ensure that people can understand any information they receive and that planners should ensure they are using simple language when consulting and communicating generally.

Development Management:

It was suggested that there is an issue with confusion over who is responsible for making development management decisions - CNPA or the local authorities. There needs to be some clarification on this.

There is also a need for clarification of the call-in process, and some participants suggested that all applications should be considered and decided by CNPA.

With regard to affordable housing, it was suggested that this still remains a major issue in the Park and more needs to be done to increase provision. It was also considered that affordable housing should not be able to revert back to the open market.

Enforcement:

The main issue to arise in the area of enforcement was the fact that there is some uncertainty over what is acceptable without planning permission being required. There needs to be a clearer explanation provided over this so that people are more certain of what they can and can't do.

There was also some concern regarding the potential of people in communities to report others for breaches of enforcement rules as there were concerns that this could be malicious in nature.

In addition, it was felt that windows are the big enforcement issue within the Park with people suggesting that enforcement rules are not being adhered to properly in relation to this issue.

6. Workshop feedback

The following part of the report offers a summary of the discussion points to come out of each workshop. Each section is broken up into the three areas outlined above, with a summary of the points discussed for each.

Prior to the Workshops themselves, CNPA also invited feedback from those who were unable to attend. 15 forms or emails were received prior to the event. A summary of this feedback (prepared by CNPA) can be found at Appendix E.

Session 1 – 21st March 2011, Afternoon, Cairngorm Hotel, Aviemore

Attendees:

This session was attended mostly by developers, landowners and agents, plus a few Community Council representatives and a senior SEPA employee.

There were 23 Participants (excluding PAS and CNPA staff).

Development Management issues arising:

- More emphasis should be placed on delivering the National Park aims
- Concerns expressed about service standards and response times
- Pre- application discussions are increasingly important but because of uncertainty about which applications might be “called-in”, both CNPA and the respective local authority might be involved – excessive bureaucracy.
- Expressions of support for CNPA becoming single planning authority

Development Planning issues arising: (no notes recorded – please see H-Forms)

Enforcement issues arising: (no notes recorded – please see H-Forms)

H. Forms (please see Appendix A)

Session 2 – 21st March 2011, Evening, Aviemore

Attendees:

This session was attended mostly by Community Council representatives and other community activists.

There were 33 Participants (excluding PAS and CNPA staff).

Development Management issues arising:

- System perceived to be developer led. An application from a big developer is helped and ushered to compliance. However, an objection from community council is not replied to or is late. Feel ignored and not on a level platform.

Development Planning issues arising:

- Takes too long – operating on a plan years out of date
- Too much inappropriate development going on
- Big developments getting go ahead but small 1 or 2 home building projects not given go ahead
- Lack of consultation
- Annoyance with application granted for development that does not fit entirely within the local plan

- Too many holiday homes – shouldn't be a reduction in council tax for 2nd home owners
- All or nothing – CNPA should control all or none of the planning work

Enforcement issues: (no comments were noted on this topic)

H. Forms (please see Appendix B)

Session 3 – 22nd March 2011, Afternoon, Ballater

Attendees:

There were 4 Participants (excluding PAS and CNPA staff).

Development Management issues arising:

- Should be just 1 planning authority
- Letters from objectors were being submitted late to hearings leaving applicants little time to respond to
- Should promote car sharing to meetings to help sustainability
- Call ins do get a speedy decision
- There is an uncertainty of affordable housing provision
- The 2 track planning system is slow, costly and confusing.
- Should CNPA even deal with planning applications? Land owner says yes.
- Land owner wishes all applications were called in. If councillors in Aberdeen don't refer an application within 5 days it is automatically refused. Land owner has to try hard just to ensure they look at them.
- Community councillors don't really represent the public – all over 50 years old. CNPA should think beyond the community council.
- Again, Board Members should be out more to look at sites.
- The Park Authorities should call in all applications (this relates to the argument for a single Planning Authority for the park.
- There is confusion of the respective roles of the various Planning Authorities (Highland Council, Aberdeenshire Council, Moray Council and the CNPA).

Development Planning issues arising:

- Process could be quicker
- Good feedback is given
- Sensible master plan process including developers not just planners
- There have been many consultations held with the public for the plan but residents feel their views aren't actually being taken into account.
- The board members get planning training at least once a year but they're not sufficiently challenging the staff with regard to planning issues, perhaps not seen as defending the public interest vigorously enough "The board play softball"

- Should have a formalised review of policies to see what is working and what is not on a regular basis, such as yearly
- There was some concern that the views of stakeholders were not always recognised ...
- ... there is scope to work with communities and raise awareness of the development planning process
- Board Members should be out more to look at the sites and understand the developments they are dealing with
- Board Members are often seen as too soft with officers and should be more challenging.
- There is not enough clear guidance on renewables.
- There should only be one planning authority for the National Park - the existing system is confusing for the majority of people.

Enforcement issues arising:

- Need to make joined up protocol of enforcement between Aberdeen and CNPA
- CNPA may not stand up to large developers but pick on small / individual developers
- Information could be sent out with general council mail concerning planning so people can't say "I didn't know planning permission was needed" – but where do you stop – up to people to check themselves.

H. Forms (please see Appendix C)

Session 4 – 22nd March 2011, Evening, Ballater

Attendees:

This was an open session, open to anyone interested in the Planning Service.

There were 16 Participants (excluding PAS and CNPA staff).

Development Management issues arising:

- Lack of public knowledge concerning who to contact and how for help with planning
- Confusing regarding no. of plans and who monitors / controls them
- Roles of CNPA & Aberdeenshire Council not obvious to the public
- Want regular contact with community council concerning changes in planning (applications) even just an email alerting members of a change
- Planning meetings tend to be held during the working day restricting opportunities for people to attend
- How about providing an opportunity for someone unable to attend, to send in a video airing their comments at the meeting
- Too old an age bracket attending
- In the past it was not clear to applicants if an application had been called in
- CNPA shouldn't be involved with changes in double glazing windows – rules on replacement for double glazing (for conservation areas) are wrong
- "Call in" needs to be explained / understood
- CNPA should be the full planning authority

- CNPA should determine applications then pass them back to Aberdeenshire Council
- No neighbour notification if plans are substantially changed is wrong
- Levy for affordable housing should be £25k should be for 2 homes
- Affordable housing should not be able to revert to open market
- Process for identifying land for development was not done properly
- Outlying old settlements (Clachans) should be identified for redevelopment
- The adopted plan is too new to have been fully tested
- There is confusion between the responsible authority for development management (CNPA or Councils) therefore there is confusion over access to information and who to speak to.
- There is some awareness of supplementary planning guidance and how these are used but this needs to be improved.
- Decisions should have measured outcomes to assess their effectiveness.
- There seems to be some confusion over the awareness of applications submitted and how these could be publicised better
- Concerns were raised over the length of time it takes to determine applications and in particular applications can be held up by consultees including statutory consultees and key agencies.
- A suggestion that service level agreements could help to address the aforementioned poor performance of statutory consultees

Development Planning issues arising:

- Lack of public awareness of the local plan
- People don't think long term. Not until something is being built does anyone take notice.
- E-system is too large/clunky/slow
- Need better promotion of events and type of events are important
- Postal drop of upcoming events perhaps – need better advertising
- Get kids more involved – go to schools
- “Planning for real” projects – hands on interactive stuff where people can effectively plan their ideal landscape on a model
- Some feel over consulted “consulted out”
- The majority of people don't engage
- Consultations using glossy documents make people believe that is in final form
- “Work for the Park” the people the place
- Good not doing away with paper copies
- SPG – examples would help
- Consultation must be seen as meaningful to engage people
- Find a way of identifying what people value – eg take photos
- Put things in a language people understand
- Economic development and employment opportunities could be better promoted.
- Promoting jobs would help to retain local and young people
- There is scope to use local employment agreements to ensure local people benefit from employment opportunities arising from development (these are not currently applied in the Park)
- Affordable Housing remains an issue and more land should be encouraged for that type of accommodation ...
- ... and in relation to tenure, rented accommodation should be seen as a priority.
- Visitors' experiences should be much better – the Park's assets should be more accessible and open – do not close them off from visitors

- The Development Plan could subdivide the forthcoming LDP area to recognise area's different character – the Park is not of a single character
- The Park objectives are in conflict with each other (although it was explained that there is a hierarchical approach to addressing any apparent conflicts)

Enforcement issues arising:

- Not been going long enough to know how it works
- Regulation by people in communities reporting others / breaches is ok but may be open to malicious complaints
- Community councillors can be used to report issues
- Speed of doing environmental assessment is too slow
- Wrong type of windows not being enforced within the park
- Uncertainty regarding what was acceptable without planning permission being required eg what is agricultural use/roads/material used
- Awareness of the Enforcement Charter which is seen as a positive thing.
- Windows are regarded as an issue and sensitive to enforcement matters.
- The (one individual) Enforcement Officer is perceived as the process!

H. Forms (please see Appendix D)