



For decision

Title: Review of Planning Enforcement Charter

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Purpose

To seek the Planning Committee's approval of an annual update to the Planning Enforcement Charter.

Recommendation

The Committee is asked to:

- a) Approve the updated Planning Enforcement Charter for the Cairngorms National Park Authority, as set out in Appendix 1.

Background and strategic context

1. Section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning authorities to prepare an Enforcement Charter. Further guidance on this requirement is included in Annex N of Circular 10/2009: Planning Enforcement (<https://www.gov.scot/publications/planning-circular-10-2009-planning-enforcement/>).
2. Planning authorities must keep their Enforcement Charter under review, and it must be reviewed and re-published every two years. More frequent reviews may be required if there are changes to the planning enforcement system or legislation that affects it. Scottish Ministers may also require the Charter to be reviewed on a more frequent basis.
3. When a planning authority updates their Enforcement Charter, they must publish the updated Charter on their website, send a copy to Scottish Ministers, and place copies of it on display in public libraries within the planning authority area.



The Planning Enforcement Charter

4. The first Cairngorms National Park Authority Planning Enforcement Charter was originally approved by the Planning Committee in June 2009. The Charter has been regularly reviewed thereafter, and the Planning Committee has agreed to review the Charter annually as a matter of good practice. The existing Enforcement Charter is available on the Park Authority's website at <http://cairngorms.co.uk/park-authority/planning>.
5. The existing Enforcement Charter is considered to remain fit for purpose, clearly and concisely explaining the way the Park Authority will carry out the planning enforcement function within the planning service and within the context of the other five local planning authorities. It has been used frequently to refer members of the public to when they make enforcement enquiries, where the Charter's clarity and simplicity is helpful. The content of the existing Enforcement Charter therefore does not require any significant modification.
6. However, there is currently one prospective legislative change, as set out in Section 44 of the Planning (Scotland) Act 2019, which requires a planning authority's enforcement charter to include a statement on the authority's monitoring of compliance with planning permissions that have been granted for major developments. Although this legislation has not yet formally come into force, a statement to this effect has been included in the proposed updated Enforcement Charter.

Next Steps

7. Subject to agreement by the Planning Committee, the updated Enforcement Charter will be sent to Scottish Ministers, published on the Park Authority's website, and copies will be issued for display in all the public libraries within the National Park.

Appendices

1. Draft Planning Enforcement Charter
2. Cairngorms National Park Authority Enforcement Register

Ed Swales

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