

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: REVIEW OF PLANNING ENFORCEMENT CHARTER

**Prepared by: Gavin Miles, Head of Strategic Planning
Emma Bryce, Planning Manager (Development
Management)**

Purpose of the Report

To seek approval of the Planning Enforcement Charter for adoption and publication.

Recommendation

That the Committee:

That the Committee approve the Planning Enforcement Charter for the Cairngorms National Park Authority

Background

1. Section 158A of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare an enforcement charter. The detailed requirements are included within Planning Circular 10/2009.
2. A planning authority must keep their 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 affect it. Scottish Ministers may also require the Charter to be reviewed on a more frequent basis.
3. Once the Charter is agreed by Scottish Ministers, the planning authority is required to publish the Charter on the website and for copies to be sent for display in public libraries within the planning authority area.

The Planning Enforcement Charter

4. The first Cairngorms National Park Authority (CNPA) Planning Enforcement Charter was originally approved by the Planning Committee in June 2009. It was first reviewed in September 2014 and then again in 2015/2016. The currently adopted Charter was approved by the Planning Committee on 29 June 2018 and subsequently adopted following approval by Scottish Ministers. It is available on the CNPA website at <http://cairngorms.co.uk/park-authority/planning/>. A number of other planning

authorities have now adopted a similarly concise and simple format to their enforcement charters since the CNPA's first such edit.

5. At some point in 2019, the date on the published Enforcement Charter that staff refer to was changed to October 2019. This was an error that went unnoticed. During 2020, the planning service was focussed on maintaining an effective service delivery and the date on the Charter led us to believe the date for republishing would be October 2021. The Charter is now technically 14 months older than it should be. There are no immediate consequences and as there are no changes proposed to the Charter, there has been no impact on anyone reading it. Nevertheless, the CNPA may receive a red marker in a future Planning Performance Framework Report. In order to avoid this happening in future, we propose an annual planning enforcement update for the committee, with a summary of enforcement activity and annual review of the Charter.
6. The Charter is considered to be fit for purpose, clearly and concisely explaining the way CNPA will carry out the planning enforcement function within the planning service and within the context of the other five local planning authorities. There have been no legislative or procedural changes since the Charter's previous adoption in June 2018. 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.
7. It is therefore recommended that the CNPA Planning Enforcement Charter be approved by the CNPA Planning Committee again and submitted to the Scottish Ministers for approval, prior to formal adoption and publication on the website.

Next Steps

8. Once agreed by the Planning Committee, the Charter will be sent to the Scottish Ministers for approval. Once approved, the Charter will be published online and copies will be sent for display in all the public libraries within the Park. The Planning Enforcement Charter will be reviewed annually in future, alongside an annual Planning Committee report on enforcement activity.

Gavin Miles

Emma Bryce

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gavinmiles@cairngorms.co.uk

emmabryce@cairngorms.co.uk

Appendices

- I. Draft Planning Enforcement Charter