

National Park Authority Board Meeting

Agenda Item 5

Scheme of Delegation – Planning



Paper for decision

1. Introduction

- 1.1 The Park Authority's Schemes of Delegation for Planning and Access were reviewed in 2014 and were not due to be reviewed again until 2019 (after five years). However as part of the overall review of Standing Orders and Terms of Reference for Board and Committee meetings the Schemes of Delegation have been revisited and some amendments are required to bring them up to date and to match current processes.

2. Recommendation

- 2.1 Members are invited to agree the revised Scheme of Delegation for Planning and note that the Scheme of Delegation for Access will be brought to a later Board meeting for consideration.

3. Background

- 3.1 The programme to review all the Standing Orders and Terms of Reference for Board and Committee meetings is nearing completion and the Standing Orders for the Planning and Access Committee and Local Review Body were approved by the Planning and Access Committee in February and the Board in March. Revisions to Scheme of Delegation for Planning were agreed at the Planning and Access Committee in May. The next statutory¹ review of the Scheme of Delegation for Planning and review of the Scheme of Delegation for Access, which form Appendices 1 and 2 to the Planning and Access Committee Standing Orders, were not due to be undertaken until 2019, five years after their last approval by the Planning and Access Committee and Board.
- 3.2 Following the 2014 review the Planning Scheme of Delegation was sent to Ministers in accordance with legislation. As this further review is outwith the five year cycle we will, as a courtesy, inform Scottish Government once we have a revised Scheme of Delegation.
- 3.3 The proposed changes outlined are to ensure that there is clarity and certainty in some aspects but are minor in nature. Considering the majority of planning applications determined are under this Scheme it was felt prudent to make these changes.

¹ Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
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- 3.4 It is our longer term intention to simplify the Scheme of Delegation for Planning, and this will form part of our scheduled review due in 2019 although it is noted that it is likely that some of the imminent recommendations from the Government's Independent Review Panel may result in legislative change before that date which may impact on this timeline. The main changes to the Planning Scheme of Delegation (Appendix 1 to the Planning and Access Committee Standing Orders) are as follows, shown by section below and in tracked changes in the document at Appendix 1:
- 3.4.1 Introduction. The final sentence of the second paragraph has been added to take account of any subsequent amendments to legislation. Job titles have been revised throughout to reflect current titles. 'LLTNPA' has been changed throughout to Park Authority which is how we now refer to ourselves in official documents. In the introduction and again in Part 3 it is spelt out that enforcement can be conducted by the Development and Implementation Officer, or other appropriate officer as determined by the Appointed Officer. This allows greater flexibility in the absence of the Enforcement Officer.
- 3.4.2 Part 1. The three headings in paragraph 4.2 have been deleted to make the paragraph read more smoothly rather than jumping between references to specific legislation. The final phrase in paragraph 5.11 has been deleted as relevant guidance may be found in other official documents such as planning circulars; the key point is that there will be no delegation where the modification or discharge applied for is inconsistent with the adopted development plan or supplementary guidance.
- 3.4.3 Part 2. The list in paragraph 9.1 has been deleted as it is unnecessarily restrictive. In paragraph 9.9 the list of legislation has been updated and added to. The reference to Wasteland Notice in paragraph 9.16 has been amended to Amenity Notice which is the current term. Paragraph 9.18 has been removed as the relevant section of the Act has been repealed.
- 3.4.4 Part 3. Paragraph 10 has been amended to state that that enforcement can be conducted by the Development and Implementation Officer, or other appropriate officer as determined by the Appointed Officer. A new paragraph 10.4 has been added to specifically reference that serving a Tree Replacement Notice is one of the delegated powers.
- 3.5 The internal review of the Scheme of Delegation for Access has led us to consider revising and simplifying our related procedures. This work is still underway and in order to be consistent with documentation related to the byelaws it is proposed to bring this Scheme initially to a later Planning and Access Committee and then to Board.

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Appendix 1 – Scheme of Delegation for Planning

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