

National Park Authority Board Meeting

Agenda Item 17



Schemes of Delegation

Paper for decision

1. PROPOSAL

- 1.1 This report seeks the Board's approval to modify the Planning and Access Committee's Schemes of Delegation. The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 requires local planning authorities to review their planning 'Scheme of Delegation' every five years. Our current Scheme was first prepared in 2009 and is now required to be reviewed, taking into account changes that were introduced by the 2013 Regulations.
- 1.2 The Planning Scheme of Delegation sits as an appendix to the Planning and Access Committee's 'Standing Orders for Meetings' alongside an Access Scheme of Delegation. To ensure that the Park Authority's planning and access functions operate in an up to date, efficient and transparent manner, it is timely that these two documents are both reviewed. These documents are attached as Appendix 1 and 2 to this report (showing the proposed 'tracked' changes).
- 1.3 The proposed modifications were approved by the Planning and Access Committee on 25th August 2014. Attached to this report is the Director of Operations Report (Appendix 3) as presented.
- 1.4 Legislation requires Board Member approval for these modifications. The 2013 Planning Regulations also require the revised Planning Scheme of Delegation to be approved by Scottish Ministers prior to adoption.

2. RECOMMENDATION

- 2.1 That Members:
 - **approve** the modified Access Scheme of Delegation;
 - **approve** the Planning Scheme of Delegation for subsequent consultation and approval by Scottish Ministers and thereafter, the Director of Operations is given delegated authority to adopt the Planning Scheme of Delegation following approval by Scottish Ministers; and
 - **agree** to delegate authority to the Director of Operations to make any technical or non-substantive amendments to the Scheme as may be required by Scottish Ministers.

3. CONSIDERATION

Modifications to Scheme of Delegation Relative to Planning

- 3.1 This review of the Planning Scheme of delegation is timely given that the 2013 Regulations introduced changes which need to be incorporated into the current Scheme.

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Section 5 of the Scheme details a number of ‘triggers’¹ which require local development applications to be determined by the Committee rather than being delegated to the Appointed Officer. The 2013 Regulations now allow for the delegation of determining applications for local developments where the application:

- is made by the planning authority or one of its Members; or
- relates to land in the ownership of the planning authority or in which the planning authority has a financial interest.

3.2 Under the current Scheme of Delegation, Section 5 includes the above as triggers which require the relevant applications to be presented to the Committee for determination. Recent examples have included the Park Authority’s threshold signage (as the applicant) and the Argyll Mausoleum refurbishment (financial interest). Section 5 of the Scheme is proposed to be revised to reflect the regulatory changes, with the exception of applications made by, or on behalf of, a Member of the Park Authority. In the interest of transparency, it is recommended that these types of applications continue to be determined by the Committee.

3.3 Overall, very little changes are proposed to be made to the Planning Scheme of Delegation and these are summarised as:

- referencing of the appropriate legislation;
- revisions to officer job titles;
- removing the requirement for applications which are made by or on behalf of the Park Authority or where the Park Authority has an interest (landowner or financial) to be determined by the Committee (proposed to be delegated to the Appointed Officer); and
- the duration of planning permission time limits (‘directions’) proposed to be delegated to the Appointed Officer.

Planning officers are confident that the current Scheme strikes the right balance between what types of applications should be determined by the Committee or delegated to the Appointed Officer. This ensures that the Committee operates efficiently and considers only more sensitive and complex applications. With the inclusion of the proposed modifications, Members can remain confident that any proposals which have significant planning issues or considerations will continue to be presented to the Committee for determination.

Modifications to Scheme of Delegation Relative to Access

¹ These ‘triggers’ include development which has received significant objections, subject of a formal objection from a statutory consultee, is a departure from the development plan and is recommended for approval, would adversely affect a statutory heritage designation, etc.

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- 3.4 The Access Scheme of Delegation is attached as Appendix 2 of this report. A significant addition is a section relating to powers to assert, protect, keep open, repair and maintain public rights of way under Sections 45 and 46 of The Countryside (Scotland) Act 1967. The requirement for the Scheme to include these powers was highlighted during the work undertaken in considering a recent planning application.
- 3.5 It is noted that Part 5 regarding the 'Section 11 Scoring Scheme' is proposed to be deleted from the Scheme. The scoring criteria were originally included for Members' information given that it was a new concept when the Scheme was first prepared. The criteria have remained unchanged and are inherent in the process used by Officer's when determining Section 11 applications. Given that reference would be made to this in any presentation to Members, it is considered that it is not necessary for the scoring scheme to be included in the Scheme of Delegation.
- 3.6 Aside from the two modifications proposed above, no other changes have been made to the Access Scheme of Delegation as Officers are confident that it strikes the appropriate balance between delegated and Committee determinations. Members can remain confident that any proposals which have significant access issues or considerations will continue to be presented to the Committee.

Planning and Access Committee Recommendation

- 3.7 The Planning and Access Committee discussed the proposal to modify both Schemes of Delegation at their meeting on 25th August 2014. One member queried whether it was necessary for the Committee to review evidence presented by officers regarding rights of way. The Visitor Operations Manager advised that it was an appropriate matter for the Committee to determine. The Authority had not assessed the evidence relating to a 'claimed' or 'asserted' right of way previously. The amendments to the Scheme of Delegation were therefore being proposed to ensure there wasn't a gap if this issue arose in the future.

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Appendices:

- Appendix 1 and 2: Scheme of Delegations showing proposed modifications.
Appendix 3: Planning Officer's Report presented to the Planning and Access Committee on 25th August 2014.