

National Park Authority Board Meeting



Agenda Item 10

Scheme of Delegation – Access

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 made 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 Access (attached as Appendix 1 to this paper).

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 2016 and the Board in March 2016.
- 3.2 The Planning and Access Committee agreed a revised Scheme of Delegation for Planning in May 2016 and this was followed by approval from the Board in June 2016. A revised Scheme of Delegation for Access can be found at Appendix 1, this Scheme was agreed by the Planning and Access Committee in January 2017 to be presented for approval to the full Board at the next Board meeting.
- 3.3 Minor changes to reflect new and correct job and organisation titles have been made throughout the document. The addition of the ability for a Director to nominate an alternative member of staff in order to increase resilience in times of staff absence matches the other schemes of delegation. The main changes to the Scheme of Delegation for Access (Appendix 2 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 to this paper:
 - 3.3.1 Part 1. Paragraph 2 has been added to maintain consistency with the byelaw Schemes of Delegation. Paragraph 3b has been updated to increase clarity.
 - 3.3.2 Part 2. This part now covers both types of Section 11 applications, in earlier schemes the two types of application – five days or fewer and six

National Park Authority Board Meeting

Agenda Item 10

Scheme of Delegation – Access

days or more – were shown separately. Applications for exemptions to last six days or longer will automatically be considered by Committee due to the need for Ministerial confirmation of such decisions. Applications for exemptions for five days or fewer will have the option of call-in which matches that in the Schemes of Delegation for the navigational and camping bye-laws agreed by the Board in December 2016.

- 3.3.3 Part 3. This part now also includes reference to section 24 of the Land Reform Act 2003 in order to clarify that Ranger powers are also covered. Paragraph 9 has been expanded to include the full text from the Land Reform Act 2003 to more accurately describe the powers. Paragraph 10 has been updated to reflect the call-in procedure as above and has been updated to clarify the already extant procedure for referral to Board or Committee.
- 3.3.4 Part 4. This section has been added to the revised Scheme of Delegation, though the related powers under the Countryside (Scotland) Act 1967 are not new. Paragraph 12 has been updated with the approval of the Planning and Access Committee to include the word 'may' in the first sentence, which better reflects the wording of the legislation.

Appendix 1 – Revised Scheme of Delegation for Access

Author: Amanda Aikman, Governance & Legal Manager

Executive Sponsor: Simon Jones, Director of Conservation and Visitor Operations